CALIFORNIA LEGISLATURE

1989–90 REGULAR SESSION
1989–90 FIRST EXTRAORDINARY SESSION

SUMMARY DIGEST

of

Statutes Enacted and Resolutions (Including Proposed Constitutional Amendments) Adopted in 1990

and

1989–1990 Statutory Record

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PREFACE

Digests

The Summary Digest consists of a short summary of each law enacted, and of each constitutional amendment, concurrent or joint resolution adopted by the Legislature in 1990.

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

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

Cross Reference Tables

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

New General Laws

Lists new general laws passed in the years 1989–1990 which do not specifically amend, add to, or repeal any existing code or general law.

Index

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

Statutory Record

This edition of the Summary Digest includes a cumulative statutory record for 1989–1990. Superior numbers following the *Effect* refer to a special condition affecting that section.

Cumulative statutory records for 10-year periods, 1979–1988, 1969–1978, 1959–1968 and 1949–1958, and for the 16-year period, 1933–1948, are published in separate volumes, which supplement the original statutory record, 1850–1932, published in 1933.

ABBREVIATIONS

AB	Assembly Bill
ACA	Assembly Constitutional Amendment
ACR	Assembly Concurrent Resolution
AJR	Assembly Joint Resolution
SB	Senate Bill
SCA	Senate Constitutional Amendment
SCR	Senate Concurrent Resolution
SJR	Senate Joint Resolution
Sec.	Section
Art.	Article
Ch	Chapter
Res. Ch.	Resolution Chapter
Pt	Part
Div	Division
Stats.	Statutes

EFFECTIVE DATES

Regular Session

The 1989–90 Regular Session reconvened on January 3, 1990, and adjourned sine die on November 30, 1990. Statutes enacted in 1990, other than those taking immediate effect, will become effective January 1, 1991. In absence of other considerations, the provisions of a statute become operative on the date it takes effect. Digests indicate statutes taking immediate effect.

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

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

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

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

Extraordinary Session

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

The 1989–90 First Extraordinary Session convened on November 2, 1989, and adjourned sine die on September 1, 1990. The 91st day after adjournment is December 1, 1990.

DIGESTS OF STATUTES ENACTED IN 1990

1989–90 REGULAR SESSION

BILL CHAPTERS

Ch. 1 (AB 99) Bronzan. Family Planning.

Existing law requires the Office of Family Planning to be established within the State Department of Health Services.

This bill would define various terms and would define "family planning" to include a broad range of methods and services to limit or enhance fertility, including contraception, natural family planning, abstinence, and the management of infertility. The bill would define "family planning" to exclude abortion, pregnancy testing solely for the purposes of referral for abortion or services ancillary to abortions, and pregnancy care not incident to the diagnosis of pregnancy.

The bill would require the state department to enter into contracts, as specified, with contractors, as defined, to provide family planning services. It would prohibit funds received pursuant to those contracts from being used to perform abortions or to provide services ancillary to abortions. The bill would require a contractor to agree not to advertise, advocate, or promote abortion as a method of family planning or to receive fees or other consideration as payment for referrals for abortion services with specified funds. The bill would require a contractor to terminate the contract and return unexpended funds to the state department if the state department finds that the contractor violated the above.

The bill would require a contractor to maintain, and make available for examination, records and accounts to ensure proper accounting of all funds received from the state department, and to arrange for an independent audit of funds, as specified.

The bill would require the state department to require a contractor to obtain a statement from a client, under penalty of perjury, that the client meets any income eligibility requirement, thereby creating a new crime. The creation of a new crime would impose a state-mandated local program.

This bill would require the state department to establish a copayment system for services provided pursuant to its provisions.

The bill would exempt contracts between the state department and a contractor from any review requirements of the Department of General Services for fiscal year 1989–90.

The bill would authorize the state department to adopt emergency regulations for the purposes of implementing this bill and specified provisions of existing law.

It would also make a specified declaration of the Legislature concerning family planning.

This bill would appropriate $20,000,000 from the General Fund to the state department in augmentation of the budget of the Office of Family Planning, as specified.

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

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

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

Ch. 2 (SB 1315) Marks. Elections: ballots: municipal elections.

Existing law specifies the order of precedence of offices and measures on the ballot for statewide and local elections. It requires that local elections officials provide ballots and print on them the name of each candidate who is entitled to a place on the ballot.

This bill would impose a state-mandated local program by including the name of the Insurance Commissioner on the ballot, in a specified order of precedence.

Existing law requires, unless otherwise provided, that a general municipal election shall be held on the second Tuesday in April in each even-numbered year.

This bill would authorize cities containing a population of 50,000 people or less and situated in a county of the 1st class, to instead hold their 1990 general elections on the first or third Tuesday in April of 1990.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims

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

Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

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

Ch. 3 (SB 1007) Rosenthal. Horseracing: satellite wagering.

(1) Under existing law, the California Horse Racing Board may authorize an association licensed to conduct a racing meeting in the northern zone to operate a wagering facility at its racetrack on races conducted in the northern zone, except during the part of the day racing is being conducted at its racetrack, under prescribed conditions.

This bill would delete this exception.

(2) Under existing law, satellite wagering facilities in the northern zone may conduct satellite wagering on racing in the northern zone and on night harness and quarter horse racing in the central and southern zones during the periods of the day when there is no night racing in the northen zone. Generally, satellite wagering facilities in the central and southern zones may conduct wagering on racing conducted in the central and southern zones.

This bill would delete the condition that satellite wagering be during the period of the day when there is no night racing and provide for similar provisions for satellite wagering facilities in the central and southern zones. The bill would apply those provisions to Appaloosa or Arabian races in addition to night harness or quarter horse races.

(3) Existing law requires any association or fair, with facilities in the northern zone, which conducts satellite wagering to conduct wagering on all racing offered to the satellite wagering facility, as long as the satellite wagering facility is not sustaining a loss on either a day meeting or night meeting, as determined by the board, and, if sustaining a loss on either a day or night meeting, as long as that loss is reimbursed by either a described organization or an association. Existing law requires any association or fair, with facilities in the central or southern zone, which conducts satellite wagering to conduct wagering on all racing in the central or southern zone that is offered to the satellite wagering facility, as long as the satellite wagering facility is not sustaining a loss on either a day meeting or night meeting, as determined by the board, and, if sustaining a loss on either a day or night meeting, as long as that loss is not reimbursed by either a described organization or an association.

This bill would conform the above requirements for the central and southern zone to be the same as for the northern zone and would apply these requirements only to any such fair. The bill would authorize any association other than a fair that operates a satellite facility to accept and conduct satellite wagering on an audiovisual signal

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

Ch. 4 (SB 865) Marks Aquatic safety: instructor certification.

Existing law requires persons who provide aquatic instruction at public swimming pools to possess specified certificates or have equivalent qualifications, as determined by the State Department of Health Services, by January 1, 1990.

This bill would, instead, require that these persons possess an American Red Cross Emergency Water Safety Course certificate, or have equivalent qualifications, as determined by the department, by January 1, 1991.

This bill would require the department to waive all of the certification requirements when one or more qualified lifeguards or qualified aquatic instructors are in attendance continuously during periods of aquatic instruction.

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

Ch. 5 (SB 842) Presley. Correctional facilities

Existing law contains the New Prison Construction Bond Act of 1981, the New Prison Construction Bond Act of 1984, the New Prison Construction Bond Act of 1986, and the New Prison Construction Bond Act of 1988.

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This bill would enact the New Prison Construction Bond Act of 1990 which, if adopted, would authorize the issuance, pursuant to the State General Obligation Bond Law, of bonds in the amount of $450,000,000 to provide for the acquisition, construction, renovation, remodeling, and deferred maintenance of state youth and adult corrections facilities, and for the purpose of refinancing interim debt incurred for the same.

The bill would provide for submission of the bond act at the June 5, 1990, direct primary election.

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

Ch. 6 (SB 147) Hart. Higher education facilities.

(1) Under the Higher Education Facilities Bond Act of 1986 and the Higher Education Facilities Bond Act of 1988, the issuance, pursuant to the State General Obligation Bond Law, of bonds in an amount not to exceed $400,000,000 and $600,000,000, respectively, and the expenditure of the revenues therefrom are authorized for the purpose of aid to the University of California, the California State University, community colleges, and the California Maritime Academy for the construction and equipping of educational facilities, as specified, and for short-term loans to community colleges for the purchase of instructional equipment. Existing law establishes the Higher Education Facilities Finance Committee to administer those acts and to authorize the issuance and sale of bonds to the extent necessary to fund the education facilities construction apportionments expressly authorized by the Legislature in the annual Budget Act.

This bill would enact the Higher Education Facilities Bond Act of June 1990, which, upon approval by the state electorate, would authorize the issuance of state general obligation bonds in an amount not to exceed $450,000,000 for purposes similar to those specified in the Higher Education Facilities Bond Act of 1986 and the Higher Education Facilities Bond Act of 1988, to be issued and sold in a manner similar to that provided under those acts. This bill would expressly include the Hastings College of the Law, which is affiliated with and is the law department of the University of California, among the institutions for which the proceeds of those bonds may be expended, consistent with the purposes of the bill

The bill would specify that the addition of the Hastings College of the Law among the institutions for which the proceeds of the bonds may be expended is not intended to mark a change from the funding authorizations made under the Higher Education Facilities Bond Act of 1986, or the Higher Education Facilities Bond Act of 1988, but is intended to more clearly state what was intended by the Legislature in those acts as well.

This bill would also authorize the expenditure of the revenues of the bonds to be utilized for the construction or improvement of off-campus facilities of the California State University approved by the Trustees of the California State University on or before July 1, 1990.

This bill, notwithstanding any provision of this bill, or specified provisions of the State General Obligation Bond Law, or prescribed provisions of the law relating to special fund investments, would authorize the Treasurer to maintain a separate account for investment earnings, to order the payment of those earnings to comply with any rebate requirement under federal law, and to otherwise direct the use and investment of those proceeds so as to maintain the tax-exempt status of those bonds and to obtain any other advantage under federal law on behalf of the funds of this state.

This bill would provide for the submission of the Higher Education Facilities Bond Act of June 1990 to the voters at the next primary election, to be held June 5, 1990, in accordance with specified law

(2) Under existing law, a community college district applying for assistance under the Community College Construction Act of 1980 is required to provide a matching share of funds, as determined according to criteria adopted by the Board of Governors of the California Community Colleges, and pursuant to a recommendation as to each proposed project by the Chancellor of the California Community Colleges and a review of that recommendation by the board of governors, as specified.

This bill would repeal the requirement that community college districts provide a matching share of funds for these projects.

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

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Ch. 7 (AB 1065) Mojonnier. Waterways: access facilities.

Existing law does not authorize the use of state funds for access to waterways by rafters, canoeists, tubers, and kayakers.

This bill would authorize the Department of Boating and Waterways, subject to a line item appropriation by the Legislature for each proposed project, to acquire property for, and provide for construction of, waterway public access facilities used primarily by rafters, canoeists, tubers, and kayakers, and to grant funds to local and federal agencies to construct those facilities.

The bill would require that funds used for those purposes be derived from any voter-approved bond act.

Ch. 8 (SB 1201) Morgan. Educational technology.

Existing provisions of the Farr-Morgan-Quackenbush Educational Technology Act of 1989 establish a program providing local assistance grants to local educational agencies that serve kindergarten and grades 1 to 12, inclusive, for educational technology applications through school-based adoption grants, adaptation grants, innovative research and development grants, and grants supporting educational technology research and demonstration schools, and for the support of regional assistance programs of instructional television agencies and the California Technology Project.

Existing law provides for the establishment of a 19-member California Planning Commission for Educational Technology for the purposes of developing prior to January 1, 1992, a state master plan for educational technology, in accordance with specified priorities, recommendations, and assessments.

This bill would require the California Postsecondary Education Commission to convene the 1st meeting of the commission no later than March 30, 1990.

Existing law requires local assistance grants made to local educational agencies to utilize existing evaluation procedures for school-based program quality review and other appropriate local and state evaluation procedures in the assessment of the use, benefits, and impact of educational technology on the educational program.

This bill would state the legislative intent that the evaluation procedures shall yield data on the educational outcomes resulting from the use of educational technology.

Existing law requires each research and demonstration school to study, on an ongoing basis, the current and potential impact of educational technology on pupil academic achievement within the educational process and requires the resulting data to be reported to the Governor, the Legislature, the State Board of Education, the Superintendent of Public Instruction, and the Educational Technology Committee.

This bill would delete the requirement that the resulting data be reported to the Governor and the Legislature. This bill would require the state board and the superintendent to provide the data to the Legislature, the Governor, and the California Planning Commission on Educational Technology for use in, among other things, the development of the state master plan for educational technology

Existing law requires the superintendent, with the advice of the Educational Technology Committee, to develop evaluation criteria for program grants for recommendation to the state board. Existing law requires the evaluation criteria to be consistent with program quality review criteria and procedures established for school improvement programs.

This bill would require the evaluation criteria to emphasize educational outcomes.

This bill would additionally require, with respect to instructional television and regional resource consortia, that the superintendent, with the advice of the Educational Technology Committee, evaluate the effectiveness of the program in assisting local educational agencies in implementing educational technology.

Existing law requires the Educational Technology Committee to recommend to the state board and the superintendent a process for an independent evaluation of all program funds, including procedures to standardize evaluation data collection and strategies for the effective use of that information to develop policy for the use of educational technology.

This bill would require proposed policy revisions to be made available to the California Planning Commission on Educational Technology for use in the development of the

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state master plan for educational technology.

This bill would make additional technical, nonsubstantive changes.

Existing law provides for the repeal of specified provisions of the Private Postsecondary Education Act of 1977 and establishes an alternative procedure under the provisions of the Private Postsecondary and Vocational Education Reform Act of 1989 for private postsecondary or private vocational educational institutions to apply for and to be eligible to receive approval to operate in the state. Under existing law, with a specified exception, the provisions of the Private Postsecondary and Vocational Education Reform Act of 1989 are to become operative on January 1, 1991.

This bill would specify that the repeal of the above-described provisions of the Private Postsecondary Education Act of 1977 shall become operative on January 1, 1991.

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

Ch. 9 (AB 497) Connelly. Firearms.

(1) Existing law requires the Attorney General to keep on file a complete record of copies of fingerprints, applications to carry concealed weapons, records of the sale of deadly weapons, and reports of lost, found, pledged, or pawned property, as specified, for the purpose of assisting the investigation of crime, the prosecution of criminals, and recovery of lost, stolen, and found property.

This bill would require the Attorney General to keep on file a compiled record of dealers' records of sales of firearms, rather than deadly weapons.

In addition, the bill would provide that with regard to these requirements, the Attorney General shall not retain or compile any information from dealers' records of sales for firearms that are not pistols, revolvers, or other firearms capable of being concealed upon the person and that all copies of the dealers' records of sales for firearms that are not pistols, revolvers, or other firearms capable of being concealed upon the person shall be destroyed within 30 days of receiving clearance from the Attorney General unless the purchaser or transferee is ineligible to take possession of the firearm. The bill would make a violation of this paragraph a misdemeanor, thereby imposing a state-mandated local program by creating a new crime.

(2) Existing law provides definitions of various terms for purposes of the Dangerous Weapons' Control Law, including the terms, "pistols," "revolvers," and "firearms capable of being concealed upon the person," which, among other things, are defined to mean a weapon having a barrel less than 16 inches in length.

This bill would also define "firearm" for purposes of this law as meaning any device, designed to be used as a weapon, from which is expelled through a barrel a projectile by the force of any explosion or other form of combustion.

(3) Existing law generally makes it a felony for any person who has previously been convicted of a felony or who is addicted to the use of any narcotic drug to own or possess or to have under his or her control any pistol, revolver, or other firearm capable of being concealed upon the person. A separate provision makes it either a felony or misdemeanor to do the same when the person used a firearm in the commission of a felony.

This bill would extend the first prohibition to the ownership, possession, or control of any firearm, rather than only concealable firearms, thereby imposing a state-mandated local program, by expanding the scope of an existing crime. This bill would repeal the separate provision concerning the use of a firearm in the commission of a felony.

This bill would also make it a felony or misdemeanor for any person who (a) is convicted of certain misdemeanor violations and who within 10 years of that conviction, owns or possesses or has in his or her custody or control any firearm, (b) is prohibited or restricted from owning, possessing, controlling, receiving, or purchasing a firearm as a condition of probation and owns or possesses, or has in his or her custody or control, any firearm; and (c) is adjudged a ward of the juvenile court under specified conditions, and, until the age of 30 years, owns or possesses, or has under his or her custody or control, any firearm. The bill would require the courts to notify the Department of Justice of persons subject to the above restrictions. To the extent that the bill would create these new crimes, it would impose a state-mandated local program.

(4) Existing law makes it a misdemeanor offense for any person to engage in the business of selling, leasing, transferring, offering, or exposing for sale or transfer, speci-

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fied concealable firearms unless he or she has been issued a license by a city, county, or city and county licensing authority in accordance with specified provisions of existing law. Existing law further restricts the sale, delivery, or transfer of these firearms unless that transaction is accomplished in accordance with specified procedures. Under existing law, violation of these provisions are in certain cases misdemeanors.

This bill would make the above prohibitions, penalties, and procedures, as revised, applicable to all firearms, except a provision relating to the advertisement of pistols and revolvers, and would make certain conforming changes. The bill would, however, reduce the waiting period for delivery of firearms, other than concealed firearms, from 15 days to 10 days, as specified, operative January 1, 1996. The bill would also redefine the term "infrequent" as it applies to transactions which are exempt from these licensing requirements.

To the extent that the bill would require cities, counties, and city and counties to issue licenses and to otherwise monitor sales, deliveries, and transfers of firearms, it would create a state-mandated local program. Furthermore, because the bill would expand the scope of existing crimes, it would create a state-mandated local program.

The bill would require the Department of Justice to issue statewide gun show licenses to persons licensed pursuant to law for purposes of selling firearms at gun shows.

(5) Under existing law, for purposes of processing the sale of concealable firearms, the Department of Justice is authorized to charge a licensed dealer a fee, not to exceed the actual processing costs of the department, sufficient to reimburse the department for its costs in providing the information.

This bill would allow the department to charge the licensed dealer a fee sufficient to reimburse for both the above-described costs and the state-mandated local costs incured by local mental health facilities in providing increased services described under paragraph (10).

(6) Existing law makes it a misdemeanor punishable by imprisonment in the county jail for not exceeding 6 months, to sell a concealable firearm to persons who are in a prohibited class.

This bill would make it either a misdemeanor, punishable for a period not exceeding one year, or a felony to knowingly supply, sell, or give, possession or control of a firearm to a person who is in the prohibited class, and would expand the prohibited class to include certain persons who are subject to an involuntary evaluation or treatment under the Lanterman-Petris-Short Act and who have been the subject of a report, described under paragraph (9) and certain persons who have been certified for intensive treatment or placed on a temporary conservatorship. The bill would make it a misdemeanor to sell, deliver, or otherwise transfer any firearm to another person whom the person has cause to believe to be within the prohibited classes. To the extent that this bill would expand the scope of an existing crime, would increase the period of confinement in the county jail, and would create a new crime, it would constitute a state-mandated local program.

(7) Under existing law, when neither party to a transaction involving the sale, delivery, or transfer of a pistol, revolver, or other firearm capable of being concealed upon a person holds a dealer's license, in order to effectuate that transaction, the transaction is required to be completed in either of the 2 following manners: (a) through a licensed dealer in accordance with a specified procedure, or (b) in accordance with specified conditions involving the sale of these firearms through private parties.

This bill would require all sales, deliveries, and transfers of all firearms to be completed through a licensed dealer in accordance with the existing procedure currently applicable only to the sale, delivery, or transfer of pistols, revolvers, and other firearms capable of being concealed upon the person, except with respect to certain deliveries, sales, and transfers between importers and manufacturers licensed under federal law, certain infrequent transfers between immediate family members as defined, certain infrequent and temporary loans of firearms between persons who are personally known to each other, as described, deliveries of firearms to a gunsmith for repair, as provided, and certain transactions involving auctions conducted by nonprofit mutual or public benefit corporations. Because a violation of these provisions is a misdemeanor, this bill

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would constitute a state-mandated local program by expanding the scope of an existing crime.

(8) Existing law makes it a misdemeanor for any person engaged in the business of selling pistols at retail to fail to keep a specified register regarding sales of pistols.

This bill would repeal that provision of law.

(9) This bill would require the Department of Justice to undertake a feasibility study concerning proposed changes in firearm statutes, which would accomplish specified matters.

(10) Under existing provisions of the Lanterman-Petris-Short Act, a peace officer is authorized, upon probable cause, to take or cause to be taken into custody any person, who, as a result of a mental disorder, is a danger to others, or to himself or herself, or is gravely disabled.

This bill would provide that no person who has been taken into custody in accordance with the Lanterman-Petris-Short Act under specified circumstances because that person is a danger to himself, herself, or to others, shall own, possess, control, receive, or purchase, or attempt to own, possess, control, receive, or purchase any firearm for a period of 5 years after the person is released from the facility unless, prior to the release of the person, the person is declared by the facility to be a person who is likely to use firearms in a safe and lawful manner or the person receives a court order permitting the person to own, possess, control, receive, or purchase a firearm in accordance with a judicial proceeding. The bill would require each facility to submit a confidential report to the Department of Justice, on a form prescribed by the department, stating the identity of the person and the legal grounds upon which the person was admitted to the facility. The bill would place similar disabilities and reporting requirements regarding the ownership, possession, control, receipt, and purchase of firearms on certain persons who have been certified for intensive treatment or placed on a temporary conservatorship. The bill would impose various duties on the Department of Justice with regard to these reports. To the extent that the bill would require local mental health facilities to provide the reports described in this paragraph, and would require district attorneys to serve as respondents in certain hearings under this paragraph, the bill would constitute a state-mandated local program by expanding the duties of those facilities and officers.

(11) Existing law prohibits the possession, custody, or control of a firearm or deadly weapon by a person adjudicated to be a danger to others as a result of a mental disorder or mental illness unless a court has issued a certificate which permits possession. Existing law prohibits the possession, custody, or control of a firearm or deadly weapon by a person found not guilty by reason of insanity of any crime. Existing law makes similar provisions for persons found mentally incompetent to stand trial and placed under a conservatorship as gravely disabled The violation of these prohibitions is a felony.

This bill would extend these prohibitions to the purchase or receipt or the attempt of the same, thereby constituting a state-mandated local program, by expanding the scope of an existing crime

The bill would provide that its provisions are severable

The bill would incorporate changes in Sections 12071 and 12072 of the Penal Code proposed by specified applicable bills (e g AB 1680 and SB 861) to become operative only if the other specified bill or bills are enacted and this bill is chaptered last.

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

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

However, the bill would provide that, if the Commission on State Mandates determines that this bill contains other costs mandated by the state, reimbursement for those costs shall be payable from the Dealers' Record of Sale Special Account in the General Fund.

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Ch. 10 (AB 149) Allen. Schools: residency requirements.

Existing law, until June 30, 1990, requires the governing boards of any 2 school districts when deciding whether to enter an interdistrict attendance agreement to consider the child care needs of the pupil.

This bill would extend this requirement from June 30, 1990, to June 30, 1995.

Existing law provides that a person subject to compulsory full-time education shall attend the school in which the residency of either the parent or guardian is located, as specified. Notwithstanding this requirement, existing law provides that a pupil shall be deemed to have complied with the residency requirements for school attendance, if specified circumstances exist.

Existing law, until June 30, 1990, does all of the following:

(a) Deems an elementary school pupil to have complied with the above residency requirements if the pupil's parent or legal guardian is employed within the boundaries of the school district.

(b) Specifies that nothing in these provisions requires the school district in which the pupil's parents or guardians are employed to admit those pupils in its schools, provided any refusal to admit is not based on discriminatory or other arbitrary considerations, as specified.

(c) Authorizes the school district in which the residency of the pupil's parents or guardians is established to prohibit the transfer of the pupil to another school district if it demonstrates that the transfer would negatively impact that district's court-ordered or voluntary desegregation plan.

(d) Authorizes the school district to which the pupil is to be transferred to prohibit the transfer if the district determines that the additional cost of educating the pupil would exceed the amount of additional state aid received as a result of the transfer.

(e) Requires a school district that prohibits a transfer pursuant to these provisions to communicate and record that action.

(f) Limits the transfer of pupils out of any given school district, as specified.

(g) Requires school districts to report specified information annually to the Superintendent of Public Instruction.

(h) Requires the State Department of Education to summarize the school district reports and to report to the Legislature annually.

(i) Prescribes the calculation of the average daily attendance for pupils admitted pursuant to these provisions.

This bill would extend the provisions described in paragraphs (a) to (i), inclusive, from June 30, 1990, to June 30, 1995. This bill would also specify the data that the State Department of Education is to include in its report.

To the extent that this bill would continue to require a district that prohibits a transfer pursuant to these provisions to communicate and record that action and by continuing to increase the number of pupils eligible to transfer to a school district other than the school district in which their parents or guardians reside, it would impose a state-mandated local program. Additionally, to the extent that school districts would be required to continue to report specified information annually to the Superintendent of Public Instruction, this bill would impose a state-mandated local program.

Existing law requires the governing board of each school district, at the beginning of the 1st semester or quarter of the regular school term, to provide notification to the parent or guardian of its minor pupils regarding the rights and responsibilities of the parent or guardian under specified provisions of law and of the availability of specified programs and services.

This bill would require, until June 30, 1995, that this notification also advise the parent or guardian of the availability of the employment-based school attendance options summarized above, thereby imposing a state-mandated local program.

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

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This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

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

Ch. 11 (AB 1972) Tucker. STRS and PERS: home loan programs.

Existing provisions of the State Teachers' Retirement Law and the Public Employees' Retirement Law authorize the establishment of home loan programs utilizing the respective retirement funds to assist currently employed members and retirants or annuitants, through financing, to obtain homes in this state, subject to specified conditions.

This bill would designate those provisions as, respectively, the Dave Elder State Teachers' Retirement System Member Home Loan Program Act and the Dave Elder Public Employees' Retirement System Member Home Loan Program Act.

Ch. 12 (AB 250) Vasconcellos. Support of state government: augmentation of the 1989-90 Budget. [1]

This bill would amend and supplement the Budget Act of 1989 by appropriating $24,251,000, as scheduled, to specified items of that act

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

Ch. 13 (AB 546) Moore. Transfers of property: escrow: refund of deposit.

Existing law does not create any special rights to damages for the wrongful refusal of a party to an escrow transaction to execute documents required by the escrow holder in order to release the funds in escrow of the other party, where the escrow is not closed by the agreed date or as extended by the parties.

This bill would apply to transactions for the sale of real property containing one to 4 residential units, as specified, and would entitle an aggrieved buyer or seller under the above circumstances to attorney's fees and treble damages of not less than $100 nor more than $1,000, where the other party fails to execute documents required by the escrow holder to release the funds from escrow within 30 days following a written demand, but would not apply to funds held in escrow to resolve a good faith dispute, as defined by the bill. The bill would also require the escrow holder to deposit the sum in dispute with the court once an action has been filed under the bill. The bill would specify that neither a document executed under the bill releasing escrowed funds nor the acceptance of the funds by a principal to the transaction would cancel or terminate any underlying obligation to purchase or sell real property, except to the extent expressly stated in the document.

Ch. 14 (AB 1671) Bentley. Governmental regulation.

(1) Existing law requires a "secondhand dealer," as defined, to become licensed and, among other things, to report acquisitions of certain identifiable secondhand personal property to local law enforcement authorities. Failure to comply with these provisions constitutes a misdemeanor.

This bill would make "coin dealers" subject to these reporting requirements, with specified exceptions. To the extent that these provisions would subject "coin dealers" to the above-mentioned misdemeanor penalties, the bill would create a state-mandated local program by expanding the definition of a crime. The bill would also constitute a state-mandated local program by increasing the licensing and reporting responsibilities of local law enforcement authorities.

(2) Existing law authorizes a peace officer to place a hold for a period not exceeding 90 days on property in possession of a pawnbroker or secondhand dealer whenever he or she has probable cause to believe that it is stolen, as specified.

This bill would specify that the property subject to the above provision does not include coins, monetized bullion, and commercial grade ingots, as defined, and would provide that whenever information regarding that property is entered into the Department of Justice automated property system or the automated firearms system, that information shall be deleted if the lost or stolen property is not claimed within specified

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time periods, as specified.

(3) Existing law specifies the duties of marshals with respect to municipal courts and the duties of constables with respect to justice courts.

This bill would authorize the Board of Supervisors of Santa Barbara County to designate the marshal of the Santa Maria Judicial District to serve ex officio as the constable of the Solvang Judicial District without additional compensation.

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

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

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

Ch. 15 (SB 1027) Petris. Employment: pregnancy.

(1) Existing law defines various terms for purposes of the California Fair Employment and Housing Act.

This bill would define "sex" for purposes of this act to include pregnancy, childbirth, or medical conditions related to pregnancy or childbirth. The bill would also declare that it is declaratory of existing law.

(2) Existing law makes various specified acts by employers unlawful employment practices when taken with regard to pregnant employees. That law specifies that it does not affect any other laws relating to sex discrimination or pregnancy.

This bill would further state that this law does not in any way diminish the coverage of pregnancy, childbirth, or medical conditions related to pregnancy or childbirth under any other provisions of the act.

Ch. 16 (AB 1791) Katz. Transportation: congestion management plans.

(1) Existing law, which will become operative August 1, 1990, if SCA 1 is approved by the voters at the June 5, 1990, direct primary election, requires agencies responsible for the preparation of regional transportation improvement programs to develop and annually update a congestion management program, as specified, for every county that includes an urbanized area, as defined, and to monitor implementation of the program. The Controller is required to withhold specified transportation apportionments to a city or county which is not in conformance with the adopted congestion management program.

This bill would impose a state-mandated local program by revising the process for developing and adopting congestion management programs and revising the standards required to be incorporated into those programs. For purposes of determining a city's or county's conformance with an adopted congestion management program, the bill would prescribe a process for a city or county to designate individual deficient segments or intersections which do not meet prescribed standards and to adopt a deficiency plan. The bill would require certain specified factors to be excluded from the determination of conformance with prescribed level of service standards

The bill would provide that failure to complete or implement a congestion management program does not give rise to a cause of action against a city or county for failing to conform to its general plan, unless the congestion management program is incorporated into the transportation element of the city's or county's general plan.

The bill would provide that, with specified exceptions, a proposed development specified in a development agreement entered into prior to July 10, 1989, is not subject to any action taken to comply with provisions of law requiring the development and implementation of congestion management programs

(2) The bill would require the Auditor General to annually review the allocation and expenditure of transportation funds made available by Chapters 105, 106, and 108 of the Statutes of 1989, and to submit a report on that review to the Governor and the Legislature by March 1, 1992, and each year thereafter

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

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Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 17 (AB 366) D Brown. Liability.

Existing law imposes various requirements with respect to a sliding scale recovery agreement between one or more, but not all, alleged defendant tortfeasors and a plaintiff, including a provision that a sliding scale recovery agreement is not effective unless a notice of intent to enter into an agreement has been served on all nonsignatory alleged tortfeasors.

This bill would require service of a notice of intent on all nonsignatory alleged tortfeasors at least 72 hours prior to the execution of the agreement, unless the court allows a shorter time period upon a showing of good cause. However, the bill would specify that the failure to comply with these notice requirements would not constitute good cause to delay commencement of trial.

Ch. 18 (AB 662) Murray. Enhancements.

Existing law defines the term "violent felony" for purposes of the enhancement of prison terms for new offenses because of prior prison terms.

This bill would add the offense involving the use of destructive devices or explosives with the intent to commit murder to the list of felonies constituting a "violent felony" for these purposes.

Ch. 19 (AB 1663) Hauser. Disaster assistance: housing.

Under existing law, in the event that the President of the United States, at the request of the Governor, declares a major disaster for jurisdictions subject to a state of emergency, funds appropriated by the Legislature for purposes of providing disaster relief to communities subject to the natural disaster are to be expended only to the extent that other federal, state, local, or private insurance resources are not available or do not provide assistance or coverage.

This bill would instead require those funds appropriated by the Legislature for purposes of providing disaster relief to victims of a natural disaster, as defined, resulting in a state of emergency proclaimed by the Governor, to be expended only to the extent that other federal, state, local, or private insurance resources are not available or do not provide assistance or coverage, as specified.

Under the existing Natural Disaster Emergency Shelter Program, the Department of Housing and Community Development is required to accept applications for grants from local governmental agencies and nonprofit organizations which are eligible recipients. Existing law defines "eligible recipients" to mean an agency of local government or a nonprofit organization which provides, or contracts with, recognized community organizations to provide emergency or temporary shelter for the homeless.

This bill would instead require the department to accept applications for funding from local governmental agencies and nonprofit organizations which are eligible recipients. The bill would revise the definition of an "eligible recipient" to mean an agency of local government or a nonprofit organization which is able to provide or contract with recognized community organizations to provide emergency or temporary shelter for the homeless.

Existing law requires the department to assume direct responsibility for the review, evaluation, or ranking of all applications for funding.

This bill would revise those duties to instead require the department to assume direct responsibility for the review and evaluation of all applications and the responsibility for determining applicant eligibility and the need for the proposed activity.

Under the Natural Disaster Emergency Shelter Program, grants awarded under the program may be used for, among other things, creation of temporary shelters and equipment of buildings and sites for use as emergency shelters Existing law requires a

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recipient of funding under the program to use the funds to supplement, not supplant, other state and local programs, as specified.

This bill would, in addition, permit the funds to be used for acquisition, rehabilitation, or lease of temporary shelters. This bill would also require those recipients of funding under the program to use the funds to supplement, not supplant, other federal programs, as specified.

Under the program, an eligible recipient who receives funds or who has an outstanding obligation to provide shelter services as a result of previously receiving funds under the program, is prohibited from denying shelter to any person or family because of that person's or family's inability to pay rent or any portion thereof.

This bill would, in addition, permit an eligible recipient who receives funds under the program or who has an outstanding obligation to provide shelter services as a result of previously receiving funds under the federal Stewart B. McKinney Homeless Assistance Act (Public Law 100-77), to charge rent for transitional housing not in excess of the amount allowed under that act. The bill would also require any proceeds collected from residents of a shelter, pursuant to its provisions, to be maintained and accounted for in a separate account and be utilized, to the extent necessary, to pay for any security deposit required of any resident leaving the shelter and renting a permanent dwelling.

Under existing law, the California Disaster Housing Rehabilitation Loan Fund is continuously appropriated to the department for making deferred-payment loans to provide disaster relief to those owners of owner-occupied dwellings and owners of rental housing that was damaged or destroyed as a result of a natural disaster.

This bill would make an appropriation by requiring all interest and other increments resulting from the investment of moneys in the fund to be deposited in the fund. The bill would require payments of principal and interest on loans issued by the department to be deposited in the General Fund The bill would also permit the fund to be used for related administrative expenses of an entity contracting with the department. By creating additional purposes for which the continuously appropriated fund may be used, the bill would make an additional appropriation.

Under existing law, loans made from the fund by the department are required to be used for the purpose of rehabilitating, including reconstructing, dwellings that are owner-occupied. Existing law requires a borrower, in order to be eligible for one or more loans from the fund, to agree to brace crippled walls, affix or bolt a sill plate to the foundation, and brace and stabilize all free-standing, standup type water heaters.

This bill would require a borrower, in order to be eligible for one or more loans from the fund, to meet certain seismic requirements of a specified building code in a manner approved by the department. The bill would also revise the conditions under which the outstanding balance of the loan is required to be repaid.

Under existing law, loans made from the fund may be used for acquiring and rehabilitating, or rehabilitating, including reconstruction of, rental housing developments.

This bill would, in addition, permit loans from the fund to be used for refinancing in conjunction with that rehabilitation. By creating additional purposes for which the continuously appropriated fund may be used, the bill would make an appropriation. The bill would also revise the restrictions on rent which an owner of rental housing is required to agree to as a condition of receiving a loan from the fund.

Under existing law, eligible rehabilitation costs or reconstruction costs may include the costs of temporary relocation where damage caused by the natural disaster or rehabilitation or reconstruction of the rental housing development necessitates temporary displacement of the tenants.

This bill would specify the particular type of relocation assistance which is to be provided to those tenants under those circumstances

Existing law permits the director of the department to transfer any amount appropriated to the department for the purposes of the Rural Emergency Assistance Housing Infrastructure Program to be used for the purposes of providing infrastructure for trailers that provide temporary housing

This bill would delete that authority.

This bill would make other technical nonsubstantive changes to existing law, including

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the repeal of certain duplicative code sections.

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

Ch. 20 (AB 1674) Mojonnier. Department of Commerce: licensing and trademarks.

(1) Under existing law, the Department of Commerce is required to provide for effective means of promoting the economic development of the state in various ways.

This bill would provide that trademarks developed by the department that enhance the fulfilling of the department's responsibilities and programs shall not be construed as an agency of, or official endorsement by, the State of California.

(2) There is within the Department of Commerce the California Tourism Commission, which is required, in cooperation with the Office of Tourism, the department, and the State Business, Transportation and Housing Agency, to develop and annually update a tourism marketing plan for the State of California, having specified components.

This bill would additionally require that the marketing plan developed by the commission identify licensing opportunities, including licensing agents.

Ch. 21 (SB 1331) Presley. Day care centers: teachers.

Under the California Child Day Care Facilities Act, the State Department of Social Services in its regulations require a teacher, prior to employment in a day care center facility, to have completed a specified education requirement.

This bill would provide an alternative set of education requirements which a person hired as a day care center teacher may satisfy. These requirements would include being a minimum age, possessing a regional occupation program certificate of training in child care occupations, completing a minimum number of hours of classroom instruction in specified areas, and completing a minimum number of hours in supervised field experience, as specified. Subsequent to employment in a day care center, this bill would require a teacher hired with this education to make satisfactory progress, as defined, towards meeting the educational requirement of a fully qualified teacher. This bill would also provide that these teachers are not exempt from satisfying the noneducation requirements imposed by law on teachers in day care centers and shall have onsite supervision by a fully qualified teacher, as specified

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

Ch 22 (AB 1858) Farr. Crime: computer forfeiture.

(1) Existing law provides that a person who knowingly, willfully, and with intent to defraud a person providing telephone or telegraph services, avoids or attempts to avoid, or aids, abets, or causes another to avoid the lawful charge, in whole or in part, for telephone or telegraph services is guilty of a misdemeanor or felony, as specified.

(2) Existing law also provides that any person who publishes the number or code of an existing, canceled, revoked, expired, or nonexistent credit card, or the number or coding which is employed in the issuance of credit cards, with the intent that it be used, or with knowledge or reason to believe that it will be used, to avoid the payment of any lawful telephone or telegraph toll charge is guilty of a misdemeanor

(3) Existing law also provides that any person who (a) makes, possesses, sells, gives, or otherwise transfers to another, or offers or advertises any instrument, apparatus, or device with intent to use it, or with knowledge or reason to believe it is intended to be used, to avoid any lawful telephone or telegraph toll charge, or to conceal the existence or place of origin or destination of any telephone or telegraph message, or (b) sells, gives, or otherwise transfers to another, or offers or advertises plans or instructions for making or assembling an instrument, apparatus, or such a device with knowledge or reason to believe that they may be used to make or assemble the instrument, apparatus, or device, is guilty of a misdemeanor or a felony, as specified.

(4) Existing law specifies forfeiture provisions with regard to any computer, computer system, computer network, or any software or data, owned by the defendant, which is used during the commission of the offenses specified in paragraph (3).

This bill would extend these forfeiture provisions with regard to any computer, computer system, computer network, or any software or data, owned by the defendant,

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which is used during the commission of the offenses specified in paragraphs (1) and (2).

(5) Existing law provides that a person convicted of specified computer crimes may be granted probation, but, except in unusual cases where the ends of justice would be better served by a shorter period, the period of probation shall not be less than 3 years and subject to the condition that during the period of probation, the person shall not accept employment where the person would use a computer connected by any means to any other computer, except upon approval of the court and notice to and opportunity to be heard by the prosecuting attorney, probation department, prospective employer, and convicted person. Court approval shall not be given unless the court finds that the proposed employment would not pose a risk to the public.

(6) Existing law also provides that a person convicted of specified computer crimes may be granted probation for up to 3 years, and that a court may, as a condition of probation, prohibit the person from accepting employment where he or she will have access to computers not operated by his or her employer, or from accepting employment in any capacity where he or she will have access to a computer, operated by his or her employer or otherwise, without first informing the employer of his or her conviction as specified.

This bill would repeal the latter provision.

Ch. 23 (SB 1250) Torres. Earthquake Safety and Public Buildings Rehabilitation Bond Act of 1990.

Existing law does not provide for the issuance of state general obligation bonds to provide funds for the reconstruction, repair, replacement, relocation, or seismic retrofitting of buildings owned by local government and the state.

This bill would enact the Earthquake Safety and Public Buildings Rehabilitation Bond Act of 1990 to authorize $300,000,000 in state general obligation bonds for the above purposes, and would specify administrative procedures with respect to allocations made for these purposes. The bill would provide for the submission of the act to the people at the June 5, 1990, statewide primary election and would become operative upon adoption by the voters at that election.

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

Ch. 24 (SB 173) L. Greene. Bonds: school facilities funding.

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

This bill would enact the 1990 School Facilities Bond Act, which, upon approval by the state electorate, would provide for the issuance of state general obligation bonds in an amount not to exceed $800,000,000, exclusive of refunding bonds issued pursuant to that act, and the expenditure of the revenues therefrom to provide aid to school districts in accordance with the Leroy F. Greene State School Building Lease-Purchase Law of 1976, as specified.

This bill would provide that, of the moneys authorized under the 1990 School Facilities Bond Act, not more than $260,000,000 shall be reserved for specified school facilities projects, asbestos abatement, the acquisition of portable classrooms, the reconstruction or modernization of facilities, and capital funding for certain child care facilities. The bill would also require that, of the moneys authorized under the bond act, not more than $40,000,000 be used for the purchase and installation of air-conditioning equipment and insulation materials, as specified.

The bill would declare that it would provide for the submission of the proposed bond act to the electorate at the primary election to be held June 5, 1990.

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

Ch. 25 (SB 473) Mello. Commercial fishing: gill and trammel nets.

(1) Existing law prohibits the use of gill nets and trammel nets in specified areas of Districts 17 and 18. Existing law authorizes the Director of Fish and Game to issue an order allowing the use of nets in a specified area of District 18 under specified conditions. Existing law requires any person using nets in specified areas of Districts 17 and 18 to

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comply with certain notification and monitoring requirements to protect sea otters.

This bill would revise those areas of Districts 17 and 18 in which the use of the nets is prohibited. The bill would revise those areas of Districts 17 and 18 in which persons are required to comply with the notification and monitoring requirements and would specify that those requirements are to protect marine mammals.

A violation of these provisions would be a crime pursuant to other provisions of law, thereby imposing a state-mandated local program.

The bill would delete the authority of the director to issue an order allowing the use of nets in a specified area of District 18 and would, instead, authorize the director to allow the use of nets in that area by public announcement.

(2) Existing law continuously appropriates the money in the Fish and Game Preservation Fund to the department to carry out its duties under the Fish and Game Code.

Because this bill would impose additional duties on the department, thereby making the money in the fund available for a new purpose, the bill would make an appropriation.

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

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

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

Ch. 26 (SB 1008) Rosenthal Health: prenatal testing and prenatal diagnosis centers.

Existing law requires the organizational unit of the State Department of Health Services relating most directly to maternal and child health to administer a program for the prenatal testing, by means of amniocentesis, for genetic disorders, as specified.

This bill would repeal the provisions of the prenatal testing program and would add provisions to the Hereditary Disorders Act for prenatal testing. It would require the department to administer a statewide program for prenatal testing for genetic disorders and birth defects, including, but not limited to, ultrasound, amniocentesis, chorionic villus sampling, and blood testing for genetic disorders and birth defects. The bill would require the department to perform a number of duties in connection with the program, including establishing criteria for eligibility for the program and to designate sufficient prenatal diagnosis centers to meet the need for these services. The bill would require the department to administer a program of subsidy grants for approved nonprofit prenatal diagnosis centers based on specified factors. The bill also would require the department to establish any rules, regulations, and standards for prenatal diagnostic testing and the allocation of subsidies as the State Director of Health Services deems necessary to promote and protect the public health and safety and to implement the Hereditary Disorders Act.

This bill would provide that participation by any individual in the prenatal testing program shall be wholly voluntary and shall not be a prerequisite to eligibility for any other program. This bill also would require all prenatal diagnosis centers to meet standards developed by the department and to agree to accept patients from state funded or administered programs. The bill furthermore would provide that only prenatal diagnosis centers meeting standards developed by the department shall be eligible for reimbursement under specified state programs.

Since a violation of any provisions of the Hereditary Disorders Act or any of the rules and regulations adopted pursuant to the act is punishable as a misdemeanor, this bill would impose a state-mandated local program by changing the definition of a crime.

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

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

Ch 27 (AB 572) Chacon. Elections.

Existing law requires county elections officials to preserve canceled affidavits of registration as required by specified provisions of law.

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This bill would make a technical change in this provision.

Existing law specifies the forms of ballots to be used at an election, and requires, among other things, that the group of names of candidates for municipal office be headed by the caption "Municipal," or other proper general classification.

This bill would change the reference from "Municipal" to "City" in this provision.

Existing law requires that the count of voted ballots be conducted by at least 4 members of the precinct board, and that ballots be unfolded and examined for irregularities.

This bill would make technical changes in this provision.

Existing law specifies, with respect to districts subject to the Uniform District Elections Law, the time by which a declaration of candidacy for an incumbent elective officer must be filed.

This bill would make a technical change in this provision.

Existing law requires that each section of a petition to recall a state or local officer contain, among other things, a copy of the notice of intention to recall, including the statement of grounds for recall.

This bill would provide that the answer filed by the officer to the notice of intention to recall need not be included as part of the language of the notice of intention contained on the recall petition.

Ch. 28 (AB 1264) D. Brown. Crime: controlled substances: minors.

Existing law makes it a felony, punishable by imprisonment in the state prison for 3, 5, or 7 years, for a person 18 years of age or older to engage in specified acts with a minor with respect to phencyclidine or any of its analogs or precursors, as specified.

This bill would, in addition, provide that any person 18 years of age or older who is convicted of a violation of the above offenses and is at least 4 years older than the minor, shall receive an additional punishment of 1, 2, or 3 years, at the court's discretion.

This bill also would provide that to impose this additional punishment the allegation is to be charged in the accusatory pleading and admitted by the defendant or found to be true by the trier of fact. This bill would provide that this additional punishment is in addition to any other punishment provided by law, and would permit the court to strike the additional punishment under specified circumstances.

Ch. 29 (AB 1594) Tucker. Public employees and retirement.

(1) Existing law authorizes persons retired under public pension and retirement systems to serve, under specified conditions, in certain public positions, including the position of member of a governing board of a community college district, without reinstatement from retirement or loss or reduction of the retirement benefits.

This bill would delete unneeded provisions relating to service as a member of the governing board of a community college district.

(2) Existing provisions of the Public Employees' Retirement Law authorize contracting agencies to elect, by contract or contract amendment, to provide a 15% increase, under specified conditions, in the monthly amount paid with respect to a local safety member for service retirement or nonindustrial death before retirement.

This bill would add an optional provision which includes those provisions but makes them also applicable to a local safety member who is granted an industrial or nonindustrial disability retirement. This new authorization would impose state-reimbursable, state-mandated local negotiating costs since its exercise would be subject to negotiation under existing law relating to local public employer-employee relations.

(3) Existing provisions of the Public Employees' Retirement Law which became effective on January 1, 1990, authorize a retired member with an optional settlement 2 or 3, whose designated beneficiary-spouse predeceases the member, to elect, within 12 months following the spouse's death, to have paid thereafter to him or her the lifetime allowance which would be payable had the member not elected to receive the optional settlement, a so-called "pop-up" benefit.

This bill would revise the "pop-up" provisions to, instead, offer the "pop-up" benefits as variations in the optional settlements 2 and 3 which may be irrevocably waived by the member and to make those provisions applicable to all beneficiaries, rather than just

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spouse-beneficiaries, of optional settlements 2 and 3 and would make related changes.

(4) The State Employees' Dental Care Act authorizes the Department of Personnel Administration to contract with carriers for dental care plans for state employees and annuitants.

This bill would authorize the Senate Committee on Rules and the Assembly Committee on Rules to administer dental care plans for former Members of the Legislature who are inactive Members of the Legislators' Retirement System and former legislative employees, as specified.

(5) The existing Judges' Retirement Law provides for increased allowances upon retirement on or prior to age 70 with specified minimum service credits. That law deems any judge, whose service credit would so qualify him or her if he or she had an additional 30 days of service credit, to have credited to him or her, sufficient qualifying service credit.

This bill would increase that maximum amount of deemed qualifying service credit from 30 days to 60 days.

(6) This bill would also express related legislative intent.

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

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

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

Ch. 30 (AB 29) Klehs. Income taxes: credits: vanpool subscription costs.

The existing Personal Income Tax Law allows for taxable years beginning on or after January 1, 1989, and before January 1, 1996, a tax credit to employees participating in non-employer-sponsored vanpools equal to 40% of the cost of their vanpool subscription costs, but not exceeding $480 per taxable year. In the case of a husband and wife who file a separate return, the credit may be taken by either or equally divided between them.

This bill would provide for taxable years beginning on or after January 1, 1989, and before January 1, 1996, in the case of a husband and wife, each is eligible for the credit in an amount equal to 40% (but not to exceed $480) of their individual vanpool subscription costs, as specified.

This bill would take effect immediately as a tax levy, but would become operative as specified.

Ch. 31 (AB 1259) Hauser. Redevelopment: consumer credit: density bonuses.

(1) Under existing law, it is unlawful for any person to take a security interest in any household goods in connection with a consumer credit contract or other credit obligation incurred primarily for personal, family, or household purposes unless the person takes possession of the collateral, or the purchase price of the collateral was financed through the consumer credit contract or credit obligation. Existing law requires that an agreement or other document creating a security interest in personal property in connection with a consumer credit contract or other credit obligation incurred primarily for personal, family, or household purposes contain a statement, signed by the borrower, describing each specific item of personal property in which the security interest is taken.

The bill would make this requirement applicable to agreements or other documents which create a nonpossessory security interest in personal property in connection with a consumer credit contract or other credit obligation incurred for those purposes. This bill would specify that a consumer credit contract subject to and in compliance with certain provisions of the Unruh Act, are deemed to comply with this requirement.

(2) Existing law specifies that a person who has a security interest in personal property, except motor vehicles and vessels, taken in connection with a consumer credit

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contract or other credit obligation incurred primarily for personal, family, or household purposes, may only enforce the security interest by judicial action unless the property is abandoned or freely or voluntarily surrendered by the borrower.

This bill would instead provide that a person who has a nonpossessory security interest in personal property, except certain motor vehicles, vessels, and aircraft, taken in connection with a consumer credit contract or other credit obligation incurred primarily for personal, family, or household purposes, may only enforce the security interest by judicial action unless the property is abandoned or freely or voluntarily surrendered by the borrower.

(3) The bill would include certain "goods," as defined, within the definition of personal property for the purposes of the provisions summarized in paragraphs (1) and (2) above.

(4) Under existing law, if a developer agrees to construct a housing development with 20% or more of the units reserved for occupancy by lower income households, including elderly persons and families who meet the criteria for lower income households, a city, county, or city and county issuing permits for the housing development is required, unless it makes a written finding as prescribed, to provide a density bonus and at least one or more specified regulatory concessions or incentives to ensure that the housing development will be produced at a reduced cost.

This bill would repeal the requirement that the 20% or more of the units reserved for occupancy by lower income households include elderly persons and families who meet the criteria for lower income households.

Under existing law, a developer is required to agree to and the city, county, or city and county is required to ensure continued affordability of all lower income density bonus units for 30 years.

This bill would instead require the developer to agree to, and the city, county, or city and county to ensure, continued affordability of all lower income density bonus units for 30 years or longer, if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program.

(5) Under existing law, a redevelopment agency may provide subsidies to certain low-income households to the extent those households cannot obtain housing at affordable costs on the open market Existing law defines subsidies, for these purposes, to include any costs or reduced income resulting from below-market-rate sale or lease, grant, or donation of land to private organizations for the purpose of providing low- and moderate-income housing, if at least half the units provided are affordable to lower income households, as defined.

This bill would delete the definition of subsidies.

(6) Existing law permits the costs of undertaking certain activities by an agency, for the purpose of increasing and improving the community's supply of specified housing at affordable housing cost, to be paid from an agency's Low and Moderate Income Housing Fund to the extent that those activities result in provision or preservation of certain types of housing units.

This bill would delete that authority.

(7) Existing law permits any reduced income resulting from the below-market-rate sale or lease, grant, or donation of land to certain organizations, as specified, to be debited to an agency's Low and Moderate Income Housing Fund.

This bill would delete that authority.

(8) Existing law requires redevelopment agencies with defined "excess surplus" in the Low and Moderate Income Housing Fund to report thereon and to report any plan to use moneys in its Low and Moderate Income Housing Fund, as specified

This bill would specify a procedure for determining whether an excess surplus exists.

(9) Existing law requires the city council or board of supervisors of a city or county proposing a redevelopment project to provide for the formation of a project area committee by residents and existing community organizations in the redevelopment project area if the redevelopment project would displace a substantial number of low- and moderate-income families. Existing law prohibits merger of other committees with the project area committee, and expressly precludes voting by members of these other

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committees in meetings of the project area committee.

This bill would revise that prohibition by permitting voting by members of those other committees in meetings of the project area committee only if the members of those other committees are also members of the project area committee.

(10) The bill would make other technical nonsubstantive changes to existing law.

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

Ch. 32 (AB 1365) N. Waters. Local government financing: trial court funding.

Under existing property tax law, provision is made for the allocation by the auditor in each county of property tax revenues to various entities of local government according to specified formulas.

Under existing property tax law, the auditor in each county with qualifying cities, as defined, except for certain counties, including the County of Mono, is required to make property tax revenue allocations to qualifying cities, as defined, in the county in accordance with a specified Tax Equity Allocation (TEA) formula and to make corresponding reductions in the county's property tax revenue allocation. Qualifying cities include those cities which incorporated prior to June 5, 1987, and had a property tax revenue allocation for the 1988-89 fiscal year which is less than 7% of an amount computed as specified. Existing law provides for a 7-year phase-in of the allocations to those qualified cities by requiring that the amounts to be allocated to them be distributed as follows: 1% of a computed amount of property tax revenue in the first fiscal year and increasing by an additional 1% each fiscal year thereafter, subject to their receipt of a minimum allocation in any fiscal year of no less than they would have received without the application of the TEA formula. Existing law also prohibits a qualifying city from receiving a property tax revenue allocation pursuant to the TEA formula for any fiscal year in which the county in which it is located fails to notify the state of its intent to opt into the Brown-Presley Trial Court Funding Act of 1988.

Under existing property tax law, the auditor in the County of Mono is required to make property tax revenue allocations to qualifying cities within the county in accordance with a specific TEA formula and to make corresponding reductions in the county's property tax revenue allocation. These TEA formula provisions are similar to those applicable to counties generally with qualifying cities, except that qualifying cities in the County of Mono include those cities which had a property tax revenue allocation for the 1988-89 fiscal year which is less than 6%, rather than 7%, of an amount computed as specified and these cities receive their TEA formula allocations under a 6-year phase-in, rather than a 7-year phase-in.

This bill would delete the special TEA formula allocation provisions applicable to the County of Mono, thereby making the County of Mono subject to the TEA formula allocation provisions applicable to counties generally with qualifying cities

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

Ch. 33 (SB 1372) Petris. Vehicles: restraint systems.

(1) Existing law requires owners of private passenger motor vehicles operated on a highway to maintain safety belts in good working order, as specified. Violation is an infraction, punishable by specified fines

This bill would require sheriff's and city police departments and the Department of the California Highway Patrol to maintain safety belts in good working order on passenger motor vehicles operated on a highway for patrol purposes. Violations would be punishable as in the case of private passenger motor vehicles.

(2) Under existing law, it is unlawful for a parent or guardian when present in a passenger vehicle or motortruck, as specified, owned by him or her to permit his or her child, as defined, to be transported on the highway without providing and using a child passenger seat restraint system. It is also unlawful for the parent or guardian to permit the child to be so transported in a passenger vehicle or motortruck, as specified, which is not owned by him or her, but which is registered in this state, or for a driver to transport the child in a passenger vehicle or motortruck, as specified, which is registered in this state, if the parent or guardian is not present without providing and using such a restraint system or available seat belts.

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This bill would delete the separate provision relating to vehicles not owned by the parent or guardian, and make it unlawful for a parent or guardian, when present in any passenger vehicle or motortruck, as specified, to permit the transportation of that child without providing and using a child passenger seat restraint system. It would also make it unlawful for any driver of any passenger vehicle or motortruck, as specified, to transport that child without that system unless the parent or guardian is present.

The bill would allow the transporting of a child without a restraint system in case of an emergency if such a system is not available and a seat belt is used.

(3) Existing law provides for the dismissal, under specified conditions, of first charges relating to vehicles owned by the parent or guardian with regard to those violations discussed in (2). Otherwise, the violation is an infraction punishable by a fine not exceeding $500. Existing law provides for the disposition to counties and cities, and for the disposition by those entities, of fines received for those violations.

This bill would, as to a 2nd or subsequent violation of those offenses, as revised by the bill, prohibit dismissal, and make the violation punishable by a fine of $100. The bill would require that 50% of those fines be allocated to child passenger seat restraint system loaner programs, as specified.

(4) Existing law makes it an infraction for a retailer to sell, offer for sale, or install child passenger seat restraint systems not conforming to applicable federal standards on the date of sale or installation.

This bill would apply the prohibition additionally to any manufacturer or wholesaler, provide that the responsibility is on the individual selling, offering, or installing the system, and make violations a misdemeanor punishable as specified, with fines being allocated to child passenger seat restraint system loaner programs and prosecuting agencies, as specified.

(5) Existing law does not impose requirements on car rental agencies with respect to child passenger seat restraint systems

This bill would require those agencies to inform customers of the law relating to those systems, and to make those systems available and offer them for rental, as specified.

(6) Existing law contains specified prohibitions relating to the operation of a private passenger motor vehicle and other specified vehicles unless safety belts are used, but exempts peace officers therefrom.

This bill would require all law enforcement agencies to establish a policy and issue an order by January 1, 1991, which states whether or not their officers are required to wear seat belts, thereby imposing a state-mandated local program with respect to local agencies

(7) In addition to the state-mandated local program the bill would impose as discussed in (6), the bill would impose a state-mandated local program by creating new crimes.

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

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

However, the bill would provide that if the Commission on State Mandates determines that this bill contains other costs mandated by the state, reimbursement for those other costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

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

Ch. 34 (AB 1328) Costa. Merced irrigation district.

Under existing law, irrigation districts may be organized under the Irrigation District Law to provide water to lands within the district and to exercise specified other powers. Under existing law, improvement districts may be formed within irrigation districts in accordance with prescribed procedures.

This bill would, in addition, authorize the Merced Irrigation District to exercise speci-

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fied powers applicable to county service areas for the purpose of forming improvement districts to provide services which the irrigation district is authorized to provide. The bill would also authorize the Merced Irrigation District to provide specified sewage and drainage water facilities and to use specified improvement acts and other provisions to finance construction of district facilities.

The bill would make legislative findings and declarations as to the need for a special act.

Ch. 35 (SB 937) Vuich. Solid waste.

Chapter 1095 of the Statutes of 1989 recodified substantially all of the statutes relating to solid waste into the California Integrated Waste Management Act of 1989 in the Public Resources Code and prescribed a new California Integrated Waste Management Board to administer the new law. That statute contained a clause subordinating its repeal of provisions of Title 7.3 (commencing with Section 66700) of the Government Code to any other act which became effective on or before January 1, 1990.

This bill would reconcile some of the provisions of other statutes enacted in the 1989 portion of the 1989–90 Regular Session with the recodification, and, thereby, would make only nonsubstantive, technical changes.

The bill would provide that changes made by the bill would be subordinated to any other bill, as specified, which becomes effective on or before January 1, 1991.

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

Ch. 36 (AB 1706) Bates. AFDC. health and child care benefits

Existing law provides for the Aid to Families with Dependent Children (AFDC) program, pursuant to which qualified families are provided with cash assistance and may receive Medi-Cal benefits. The AFDC program is administered and partially funded by the counties.

Existing law also provides for the Greater Avenues for Independence program (GAIN), under which AFDC recipients may receive education and job training, and supportive services such as transitional child care.

This bill would delete the provisions relating to transitional child care under the GAIN program, and instead provide, until June 30, 1993, that transitional child care shall be provided to eligible families which were formerly recipients of aid under the AFDC program in 3 of the previous 6 months, and who meet all federal requirements for transitional child care, for a period of 12 months. The bill would require the Legislative Analyst's office to review the transitional child care program, based on specified data to be provided by the department, and to report its findings to the Legislature no later than January 1, 1993. It would also provide, until June 30, 1993, for the allocation of specified federal funds for child care and development services administered by the State Department of Education, to the extent those services are used for transitional child care. These provisions would be repealed on January 1, 1994.

This bill would require the Director of Social Services to adopt emergency regulations to implement the provisions of the bill.

This bill would appropriate $5,002,000 from the General Fund and the Federal Trust Fund to the State Department of Social Services for the 1989–90 fiscal year, in augmentation of specified items of the Budget Act of 1989.

This bill would impose a state-mandated local program by requiring local agencies to provide referrals, and by requiring counties to determine eligibility for, and provide services to, applicants.

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

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

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

Ch. 37 (AB 1334) Peace. School district elections.

Existing law authorizes the election of school district governing board members under various methods, including a method whereby each member of the governing board is elected by the registered voters of the entire school district, as specified.

This bill would authorize, in addition, a method under which each membership position on the governing board of the Sweetwater Union High School District would be identified, by number or otherwise, each candidate for the governing board would be required to declare candidacy for only one identified membership position, and each of the identified membership positions on the governing board would be filled by election of the registered voters of the entire district.

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

Ch. 38 (SB 331) McCorquodale. State funds: parks and recreation. [2]

Existing law (Chapter 1241 of the Statutes of 1989) makes specified appropriations for freeway soundwalls, parks, recreational areas, and other environmental projects.

This bill would make specified changes in the purposes for which those funds may be expended and other related changes. The bill would exempt certain recreational projects from county contract provisions until January 1, 1991.

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

Ch. 39 (AB 1235) Hauser. Housing projects· payment bonds.

Existing law requires every original contractor awarded a contract by a public entity, including a housing authority, with certain exceptions, which involves an expenditure in excess of $25,000 for the construction of a housing project pursuant to specified law, to file a payment bond with, and approved by, the officer or public entity by whom the contract was awarded.

This bill would also specifically permit a housing authority, under these circumstances, to require a 20% cash escrow or a 25% irrevocable letter of credit or that payment bond if the contract is for work undertaken pursuant to the federal Comprehensive Improvement Assistance Program or the federal Public Housing Modernization Act

Ch. 40 (AB 1666) Wright. Securities· qualification exemptions.

Under existing law, specified transactions are exempt from qualification with the Commissioner of Corporations under the Corporate Securities Law of 1968 if the transaction involves any exchange of securities incident to a merger, consolidation, or sale of corporate assets in consideration of the issuance of securities of another corporation, unless at least 25% of the outstanding shares of any class, any holders of which are to receive securities in exchange, are held by persons who have addresses in this state, as specified

This bill would additionally exempt the above transactions where the exchange is in consideration of the issuance of securities of another corporation if, among other things, the acquiring corporation has earned a majority of its revenue from its operations rather than investments during each of the last 4 quarters, the corporation to be acquired has 20 or fewer equity security holders, all equity security holders of the corporation to be acquired have a preexisting relation to the acquiring corporation or have the capacity to protect their own interests, have consented in writing, as specified, the offer and sale of the acquiring corporation's common stock is not accomplished by advertisement, and all equity security holders of the corporation to be acquired receive only one class common stock or cash, as specified.

The bill would also authorize the commissioner to require by rule that the issuer of the security file a specified notice of the transaction and would impose a fee for that notice. The failure of the issuer to file this notice would subject it to a fee equal to the fee payable if the transaction had been qualified as otherwise required but would not otherwise affect the availability of this exemption.

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Ch. 41 (AB 664) Murray. Firearms.

(1) Existing law provides that every person who unlawfully possesses one hard-rolled cigarette treated with phencyclidine while in the immediate personal possession of a loaded, operable firearm is guilty of a felony punishable by imprisonment in the state prison for 2, 3, or 4 years.

This bill would revise this provision to instead refer to a hand-rolled cigarette.

This bill would provide that this change is declaratory of existing law.

(2) Existing law limits the number of sentence enhancements which may be imposed for any single criminal offense to the greatest enhancement where 2 or more specified listed enhancements are applicable, except that in cases involving certain sex offenses, kidnapping, robbery, or burglary, attempts at the same, and attempted murder, the court may impose both one weapons enhancement and one great bodily injury enhancement from specified listed enhancements.

This bill would add to the list of specified weapons enhancements which may be imposed in addition to a great bodily injury enhancement, the enhancement for any person who personally uses an assault weapon or a machinegun during the commission or attempted commission of a felony.

(3) Existing law makes it a misdemeanor for any person or corporation to sell any pistol, revolver, or other firearm capable of being concealed upon the person, to any minor. With respect to a 2nd and each subsequent violation of this provision, or a first violation and a specified previous violation, the penalty is a felony or a misdemeanor punishable by imprisonment in a county jail not exceeding one year. As to a 2nd violation, the granting of probation is permitted in only those unusual cases where the interests of justice would best be served, as specified.

(4) Existing law also makes it a misdemeanor for any person or corporation to furnish, give, or otherwise transfer possession of a pistol, revolver, or other firearm capable of being concealed upon the person to any minor without the prior written consent or implied permission of a parent or legal guardian, as specified. With respect to a 2nd and each subsequent violation of this provision or a first violation and a specified prior violation, the penalty is a felony or a misdemeanor punishable by imprisonment in a county jail not exceeding one year As to a 2nd violation, the granting of probation is permitted in only those unusual cases where the interest of justice would be best served, as specified.

(5) Existing law makes it a misdemeanor for any dealer to sell, deliver, or otherwise transfer any concealable firearm to any person under the age of 21 years. With respect to a 2nd and each subsequent violation of this provision, or a first violation and a specified prior violation, the penalty is a felony or a misdemeanor punishable by imprisonment in a county jail not exceeding one year. As to a 2nd violation, the granting of probation is permitted in only those unusual cases where the interest of justice would be best served, as specified.

(6) In addition, under existing law, any person who knowingly supplies, sells, gives, or allows possession or control of any firearm or deadly weapon, as defined, to a person who is a mental patient, as specified, adjudicated by a court of any state to be a danger to others as a result of mental disorder or mental illness, or adjudicated to be a mentally disordered sex offender, among others, is punishable by imprisonment in a state prison, or in a county jail for a period of not exceeding one year, by a fine, as specified, or both.

This bill would make it a felony or a misdemeanor punishable by imprisonment in a county jail not exceeding one year to violate the above-specified provisions pertaining to minors with a prior violation of the above-described provisions relating to mentally disordered persons. Additionally, with respect to a 2nd or subsequent violation of the above-described provisions relating to mentally disordered persons, the bill would permit the granting of probation in only those unusual cases where the interests of justice would best be served, as specified. Because this bill would change the penalty of a crime requiring additional jail terms, it would create a state-mandated local program.

(7) Existing law provides for a sentence enhancement of 3, 4, or 5 years for any person who personally uses a firearm in the commission or attempted commission of certain controlled substance violations In addition, existing law also authorizes the court to

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strike this additional punishment in unusual cases, as specified.

This bill would delete the provision authorizing the court to strike this additional punishment.

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

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

Ch. 42 (AB 1209) Nolan. Mobilehome tenancies: termination.

Existing law permits the management of a mobilehome park to terminate a tenancy only for specified reasons, including, among other things, the nonpayment of rent, utility charges, or reasonable incidental service charges.

This bill would additionally permit the management to terminate a tenancy if the homeowner or resident has been convicted of prostitution or a felony controlled substance offense if the offense was committed on the premises of the mobilehome park and the person convicted of the offense has not permanently vacated the mobilehome.

The bill also would make technical changes.

Ch. 43 (AB 1577) Murray. Controlled substances.

(1) Existing law makes it a misdemeanor or a felony, for the first offense, for any person to forge or alter a prescription or to be involved in other activities involving a forged, fictitious, or altered prescription for a narcotic drug. A second provision of existing law makes it a misdemeanor or felony for any person to sign the name of another, or of a fictitious person, or to falsely make, alter, forge, utter, publish, pass, or attempt to pass, as genuine, any prescription for any drugs or to have in his or her possession any drugs secured by the forged prescription.

This bill would delete the first offense restriction to the first described offense, thereby expanding the scope of an existing crime, and imposing a state-mandated local program.

(2) Under existing law, except when a person is granted probation because the interest of justice would best be served, probation shall not be granted to, nor shall the execution or imposition of a sentence be suspended for, any person convicted of a specified provision making it unlawful to possess for sale or to sell 28.5 grams or more of cocaine or a substance containing 28.5 grams or more of cocaine.

This bill would delete the possession for sale or sale of 28.5 grams or more of cocaine from the above prohibitions, but would retain the possession for sale or sale of a substance containing 28.5 grams or more of cocaine within the above-described prohibitions

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

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

Ch. 44 (AB 1648) Leslie. Driving offenses: alcohol or drugs.

(1) Existing law prohibits driving a motor vehicle when the person's driving privilege is suspended or revoked and when the person knows of the suspension or revocation. Existing law also prescribes different penalties for that violation if the person is convicted of that offense when the suspension or revocation was a result of convictions of driving a vehicle while under the influence of an alcoholic beverage, any drug, or both, driving with excessive blood-alcohol concentration, or driving while addicted to any drug (hereafter DUI) or if the person has accumulated a driving record during the suspension or revocation and the person is designated an habitual traffic offender.

This bill would designate as an habitual traffic offender additional persons involved in DUI offenses, in cases in which bodily injury is caused or vehicular manslaughter results. The bill would impose a state-mandated local program by increasing criminal penalties, and by requiring the court to obtain from the offender and forward to the Department of Motor Vehicles an affidavit acknowledging the required revocation and

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the designation as an habitual traffic offender.

(2) Existing law authorizes the department to issue a temporary permit to operate a motor vehicle, authorizes a peace officer to take possession of a driver's license and to issue a temporary permit upon arresting a person for specified offenses, requires the court to order the surrender of a driver's license upon conviction of designated offenses, and prohibits various acts relating to misuse of a driver's license.

This bill would require the court to order the surrender of a temporary permit if the person is convicted of those designated offenses. The bill would also include a temporary permit within the prohibitions as to misuse of a driver's license. Thus, the bill would impose a state-mandated local program by creating new crimes and imposing requirements on the court.

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

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

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

Ch. 45 (AB 1893) Areias. Crime: restitution.

Under existing law, if a person is convicted of a crime, the court is required to impose a restitution fine, and if a victim has suffered economic loss and the defendant is denied probation, the court is required to order restitution to the victim in lieu of all or part of the restitution fine. In addition, under existing law, when a person is convicted of a felony, the court may order restitution as a condition of probation.

This bill would, in certain instances, require the imposition of the order for restitution to the victim even though probation is ordered. It would provide for an order to obtain a portion of the defendant's wages to pay the restitution, subject to an automatic stay procedure and a hearing review procedure. It would require the court to order full restitution unless the court finds clear and compelling reasons not to do so and states them on the record.

The bill would make related changes.

Since the bill would expand the restitution-related duties of local officers, it would impose a state-mandated local program.

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

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 46 (SB 1176) Royce. AFDC-FC: allowable costs.

(1) Existing law provides for the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, through which qualified children in foster care are provided assistance for specified needs. The AFDC-FC program is administered and partially funded by counties, and is administered pursuant to regulations adopted by the State Department of Social Services

Existing law provides that a statewide rate system shall be established for the allowable costs of providing foster care in group homes under the AFDC-FC program.

Under existing law, the State Department of Social Services is required to adopt regulations specifying the procedure for the appeal of department decisions about an

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agency's allowable costs or the setting of an agency's rate, to develop and maintain a system for the recovery of overpayments, and to seek recovery of unauthorized funds.

This bill would specify the procedures for the audit of amounts paid for services provided to foster children pursuant to the AFDC-FC program and would require the department to establish administrative appeal procedures to review grievances or complaints arising from the findings of those audits.

(2) Existing law requires group home programs to maintain certain information for auditing purposes for a period not less than 7 years.

This bill would, instead, require the information to be maintained for 5 years, and would require the department to make certain information regarding audits available to providers.

(3) Existing law requires the State Department of Social Services, in consultation with various other state and county entities, to develop a Level of Care Assessment Instrument for the needs of wards and their families, to include specified criteria. Existing law also requires the State Department of Mental Health, in consultation with various other state and county entities, to take specified actions in regard to the provision of mental health assessments and treatment for children in out-of-home placement or at risk of placement.

This bill would also specify foster care providers as entities to be consulted in the development of the Level of Care Assessment Instrument, and in regard to the provision of mental health assessments and treatment.

(4) Existing law requires that group home rates effective between July 1, 1989, and June 30, 1990, be set using current regulations and policies of the State Department of Social Services, according to a specified schedule of rates.

This bill would delete the provisions establishing the schedule of rates, and instead require that group home rates for that period be set using current regulations and policies of the department.

(5) Existing law requires, as of July 1, 1990, that foster care providers licensed as group homes subject to classified rates established by the State Department of Social Services include Community Treatment Facilities licensed by the department.

This bill would delete that provision.

(6) Existing law requires that a group home program be classified according to the level of care and services provided using a specified point system developed by the State Department of Social Services

This bill would instead require that a group home be initially classified using that point system for purposes of emergency regulations. It would also specify classifications for certain types of group home programs.

(7) Existing law requires the State Department of Social Services to report to the Legislature by January 1, 1995, regarding the AFDC-FC ratesetting system.

This bill would require the report to include the results of a cost study conducted by the department, which specifies and analyzes certain costs of group home providers.

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

Ch. 47 (SB 351) Alquist. Petroleum supply: information reports.

Existing provisions of the Petroleum Industry Information Reporting Act of 1980 require major oil producers, refiners, major marketers, major oil transporters, and major oil storers, as defined, to supply certain designated information to the State Energy Resources Conservation and Development Commission regarding the supply and pricing of petroleum products Each major oil producer, refiner, and major marketer of petroleum products providing information pursuant to that act is expressly exempt from specified other provisions of the Warren-Alquist State Energy Resources Conservation and Development Act requiring specified information to be submitted to the commission.

This bill, with respect to a major oil producer, refiner, and major marketer of petroleum products, would delete that other reporting requirement and that exemption.

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Ch. 48 (AB 107) La Follette. Hazardous waste: storage facility.

(1) Existing law defines "storage facility," for purposes of the hazardous waste control laws, to mean a hazardous waste facility at which the hazardous waste meets any of several prescribed requirements, including that the hazardous waste is held in tanks at an onsite facility and the quantities of hazardous waste exceed 5,000 gallons or 45,000 pounds, whichever is greater. A violation of hazardous waste control laws is a crime.

This bill would revise that definition to provide that a storage facility means, among other things, a hazardous waste facility at which hazardous waste is held at an onsite facility in tanks and the quantity in any individual tank exceeds 5,000 gallons or 45,000 pounds, whichever is greater, or the aggregate amount of hazardous waste stored in tanks at the facility exceeds 50,000 gallons. The bill would provide that a storage facility also means a hazardous waste facility at which the hazardous waste is held at an onsite facility in any individual container of less than 5,000 gallons for any period of time and the aggregate amount of hazardous waste stored in those containers at the facility exceeds 50,000 gallons, as specified, thereby imposing a state-mandated local program by creating new crimes.

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

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

Ch 49 (AB 1498) Quackenbush. State government.

(1) Existing law specifies the manner in which enterprise zones may be expanded.

This bill would include employment and economic incentive program areas, as specified, in addition to enterprise zones that may be expanded

(2) Existing law provides that the director of the Stephen P. Teale Data Center shall receive an annual salary as set forth in a specified provision of law.

This bill would repeal the authorization for that specific salary.

(3) Under existing law, there is within the Department of Commerce the California Competitive Technology Program, through which the department may fund through grants a variety of technology transfer projects, including specified types of research and research-related services. The department may fund collaborative research, as defined, in conjunction with the private sector or various other public entities.

This bill would include California-based private foundations, industry associations, and nonprofit cooperative associations, as defined, in the private sector component of the collaborative research aspect of the program. It would also define the term "consortia" for purposes of the program.

(4) Existing law authorizes the department to certify specified corporations which are composed of consortia of semiconductor and electronics companies for certain tax benefits.

This bill would delete this authorization and the respective sections regarding those benefits.

(5) Existing law specifies the minimum standards of eligibility for a technology transfer project to receive funding from the department.

This bill would revise those standards by permitting matching contributions from specified private entities, including those entities in the project, and deleting other standards. It would prohibit a grantee from incurring expenses to be paid with grant funds without evidence of a workable agreement between the project parties on specified matters.

(6) This bill would also make various technical, nonsubstantive changes.

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

Ch 50 (SB 1412) Maddy. Health care.

Existing law provides for the creation of the Tobacco Education Oversight Committee, and provides for the appointment of the membership of that committee, including one member representing a voluntary health organization dedicated to the reduction of tobacco use, appointed by the Senate Rules Committee.

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This bill would delete that member, and instead, would provide for the appointment, by the Senate Rules Committee, of a member who represents health care employees.

Under existing law, the State Department of Health Services is required to perform various duties relating to the prevention of tobacco use, including, contracting for the production and implementation of an information campaign, using a variety of media approaches.

This bill would specify that no media campaign funded for the above purpose shall feature the image or voice of any elected public official or candidate for public office, or directly representing the views of any selected public official or candidate for public office.

The bill would also specify the allocation of funds appropriated for purposes of the tobacco use prevention campaign.

Existing law appropriates funds from the General Fund to the State Department of Health Services for allocation to each county receiving funds for the provision of health care services to certain indigent persons.

This bill would authorize eligible counties to apply for, and would authorize the Department of Finance to approve, a state General Fund loan in the 1989–90 fiscal year to meet anticipated shortfalls in their Medically Indigent Services Program, and would require a county to demonstrate that it made reasonable efforts to document and claim federal State Legalization Impact Assistance Grant funds.

Existing law establishes a method of allocating funds appropriated for the purpose of allocating funds to counties providing health care services to medically indigent persons, and specifies that the funding allocations shall be used for capital expenditure and equipment acquisition purposes, and authorizes the use of a portion of the funds to restore county special fund balances to their July 1, 1988, levels.

This bill would require the funds to be appropriated for capital expenditures and equipment acquisition associated with the direct delivery of patient care in the 1990–91 fiscal year.

Existing law authorizes the board of supervisors of a county with a population under 300,000 to contract with the State Department of Health Services to administer the county program for the provision of health care services to indigent persons.

This bill would authorize the State Department of Health Services to pursue 3rd-party recoveries for services provided by the department pursuant to a contract with a county to administer the county health care service program.

Under existing law, any child between birth and 90 days and certain other persons are eligible for services under the Child Health Disability Prevention Program.

This bill would expand eligibility for services under that program by specifying that, in addition to other persons otherwise eligible for the program services, any child between birth and 90 days after entrance into the first grade is eligible for services under the program.

Under existing law, the State Department of Health Services is required to prepare a report on the demographics of the medically indigent population, and the cost and utilization of health care services delivered to medically indigent persons, by January 1 of each year.

This bill would require the department to prepare the initial report by June 30, 1990.

Under existing law, a portion of the funds from the Hospital Services Account in the Cigarette and Tobacco Products Surtax Fund must be distributed by a county receiving the funds to hospitals within the county to maintain access to emergency care and to purchase the necessary hospital services for unsponsored or medically indigent persons.

This bill would delete the limitation that the distribution of funds be made to hospitals within the county.

Existing law provides that a county may use certain funds received from the Physician Services Account in the Cigarette and Tobacco Products Surtax Fund to pay for new contracts with private physicians for provision of emergency, obstetric, and pediatric services in facilities which are not owned or operated by the county, and specified that the contracts are subject to certain restrictions.

This bill would revise the statement of those restrictions.

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Existing law restricts the use of funds received from the physician services account in the county emergency medical services fund to reimbursement of physicians for losses incurred due to patients who are unable to pay for services rendered and who are not eligible for Medi-Cal, medicare, private insurance, or any other federal, state, or county program which provides reimbursement for physician services.

This bill would delete patients for whom reimbursement for the services would be provided by county programs from that restriction on the use of the funds received from the county physician services account.

Under existing law, a specified portion of the program account deriving from the Unallocated Account in the Cigarette and Tobacco Products Surtax Fund is required to be expended in counties which administer their own health care program, at county discretion, to maintain and enhance health care services for patients, subject to the same limitations to which the use of funds are limited under the provisions of the initiative measure which created the fund.

This bill would specify the type of health care services for which those funds may be used.

Chapter 1331 of the Statutes of 1989 appropriated various funds for health purposes.

This bill would make various technical amendments to Chapter 1331 of the Statutes of 1989.

Chapter 1331 appropriates $298,252,000 from the Hospital Services Account in the Cigarette and Tobacco Products Surtax Fund to the State Department of Health Services for certain capital outlay and uncompensated hospital purposes.

This bill would reduce the amount of that appropriation to $298,028,000.

Under existing law, money allocated from the appropriation of funds pursuant to the enactment of Chapter 1331 of the Statutes of 1989 to the State Department of Health Services for allocation to each county for uncompensated care costs incurred by hospitals may be utilized for capital expenditure and equipment acquisition costs associated with the direct delivery of patient care, and each county may utilize up to $2,000,000 or 10 percent of its allocation in the 1989–90 fiscal year to restore county special fund balances to their July 1, 1988, levels.

This bill would revise that formula for determining the maximum amount of its allocation a county may use to restore county special fund balances to their July 1, 1988, levels.

Chapter 1331 appropriates $36,000,000 from the Cigarette and Tobacco Products Surtax Fund, to the State Department of Education for purposes of implementing its duties relating to tobacco use prevention.

This bill would specify that the money is appropriated from the Health Education Account in that fund.

Chapter 1331 appropriates $25,000,000 from the Cigarette and Tobacco Products Surtax Fund, to the State Department of Mental Health for local mental health services.

This bill would specify that the money is appropriated from the Unallocated Account in that fund

Chapter 1331 appropriates $32,600,000 from the Cigarette and Tobacco Products Surtax Fund, to the State Department of Education, for local assistance in certain antitobacco education activities and grants.

This bill would specify that the money is appropriated from the Health Education Account in that fund.

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

Ch. 51 (AB 1154) Isenberg. Health services.

Existing law requires every clinic holding a state license to file with the Office of Statewide Health Planning and Development a report on certain factors relating to the provision of care to patients, and, until July 1, 1991, specifies that certain additional information must be included in that annual report.

This bill would repeal the termination date for the provision requiring that the report contain that additional information.

Under existing law, as a condition of receiving state funds under the Expanded Access to Primary Care program, clinics are required to provide, or arrange and pay for,

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medically necessary followup treatment for any condition detected as part of a child health and disability prevention screening for eligible children.

This bill would limit that requirement to the extent that the clinic directly provides those services for other patients.

The bill would also provide, commencing with the 1990–91 fiscal year, to the extent a clinic provides dental treatment services, the clinic's responsibility to provide those services shall not exceed $1,000, less any reimbursement received for dental treatment services, and would provide that the State Department of Health Services shall reimburse those costs which exceed $1,000, from a primary care clinic risk pool established pursuant to this bill.

The bill would also authorize the State Department of Health Services to establish a reimbursement program for referral case management services provided to those eligible children and would authorize the department to utilize funds appropriated for purposes of the Expanded Access to Primary Care program for that purpose

Under existing law, the State Department of Health Services is required to perform various functions relating to the prevention of tobacco-related diseases, including the provision of training, consultation, support, and continuing education of health professionals and others interested in developing programs directed at preventing tobacco use.

This bill would authorize the State Department of Health Services to contract for the performance of those functions.

Existing law requires the State Department of Health Services to administer funds for the prevention of tobacco-related diseases and the prevention of tobacco use in accordance with department guidelines and regulations.

This bill would repeal the provision that requires the department to administer those funds in accordance with department regulations, and would limit that mandate to the administration of funds in accordance with department guidelines, and would specify that any guidelines are exempt from the requirements for the adoption of administrative regulations.

The bill would also specify that the State Department of Health Services may use not more than 5% of certain of the funds appropriated by Chapter 1331 of the Statutes of 1989 to provide program support services to local tobacco use prevention programs, and would authorize the department to award grants for the provision of those support services.

Existing law establishes, until July 1, 1991, the Tobacco Education Oversight Committee, to advise the State Department of Health Services and the State Department of Education on tobacco education programs funded through the appropriation of funds made by Chapter 1331 of the Statutes of 1989, to facilitate programs directed at reducing and eliminating tobacco use, make recommendations to those departments regarding the most appropriate criteria for the selection of, and standards of the operation of, and the types of programs to be funded thereunder, and to develop a master plan, to be submitted to the Legislature, for implementing tobacco education programs throughout the state.

This bill would revise the membership of the committee.

Existing law establishes the Major Medical Insurance Fund, and continuously appropriates that fund for certain health insurance program expenses which exceed subscriber contributions, provides that no policies shall be issued under that program until $30,000,000, has been deposited in that fund, and requires that the $30,000,000, shall come first from interest accrued on the unspent balances in certain accounts in the Cigarette and Tobacco Products Surtax Fund, and requires that any balance of that amount shall be appropriated from unspent 1989–90 and 1990–91 moneys in those accounts.

This bill would delete the requirements that the $30,000,000, come from those sources.

Existing law provides for the allocation, by the State Department of Health Services, to counties for the provision of health care to indigent persons. Existing law also establishes procedures for the allocation of those funds and limits those purposes for which the funds may be used.

This bill would revise the procedures and eligibility standards for the allocation of the funds, and would set additional limitations on the use of the funds allocated to counties

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for the provision of health care services.

Existing law establishes standards which physicians must meet in order to claim reimbursement of certain losses incurred in the provision of health care services.

This bill would revise the eligibility standards a physician must meet in order to be eligible to seek that reimbursement funding.

Existing law requires counties receiving health care funding allocations appropriated by Chapter 1331 of the Statutes of 1989 to report certain data to the State Department of Health Services, regarding the indigent health care program demographic, expenditure, and utilization data.

This bill would require counties receiving those funding allocations to make additional reports to the department.

Under existing law, counties are required to provide assistance, including health care, to certain indigents who are residents of the county.

This bill would provide that the obligations of any county to provide health care to any person under Chapter 1331 of the Statutes of 1989, shall be limited to the extent of the funds provided by the state under that statute.

Chapter 1331 of the Statutes of 1989 appropriated funds from various accounts in the Cigarette and Tobacco Products Surtax Fund and the General Fund for allocation for specified tobacco education programs and local health care services, including the establishment of competitive grants for tobacco education programs.

This bill would specify that the allocation of appropriated funds for competitive grants for tobacco education programs may be expended during the operative period of the tobacco use prevention program established by Chapter 1331 of the Statutes of 1989.

Under existing law, a surtax is imposed on the distribution of cigarettes and tobacco products, and revenues from the tax are transferred to the Cigarette and Tobacco Products Surtax Fund. The use of funds appropriated from that portion of those tax revenues transferred to certain accounts in that fund are subject to the limitation that the funds may be used only to pay for treatment of patients who are unable to pay for that treatment, and for whom payment for the services will not be made through private coverage or by any program funded in whole or in part by the federal government.

Chapter 1331 of the Statutes of 1989 provides that no funds derived from the imposition of taxes under the Cigarette and Tobacco Products Surtax which are appropriated for the purposes of that chapter shall be used to pay for the services except for the treatment of patients who are unable to pay for that treatment and for whom payment for the services will not be made through private coverage or by any program funded in whole or in part by the federal government.

This bill would specify that the limitation would apply to those funds appropriated from the Hospital Services Account, the Physician Services Account, and the Unallocated Account in the Cigarette and Tobacco Products Surtax Fund.

This bill would appropriate $4,270,000 from the General Fund to the Cigarette and Tobacco Products Surtax Fund, for allocation to the accounts in the Cigarette and Tobacco Products Surtax Fund.

The bill would appropriate from the General Fund to the Cigarette and Tobacco Products Surtax Fund an amount equal to the interest which would have been earned on those funds which were not transferred from the Cigarette and Tobacco Products Surtax Fund to the Pooled Money Investment Fund.

By revising the uses for which appropriated funds may be used, this bill would result in an appropriation

This bill would also appropriate funds from various accounts in the Cigarette and Tobacco Products Surtax Fund for certain health-related purposes.

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

Ch. 52 (SB 943) L. Greene. School facilities fire extinguishing systems.

Existing law directs the State Fire Marshal to adopt regulations establishing minimum requirements relating to fire protection in schools and other designated buildings and structures

This bill would specifically require that those regulations include the requirements that the new construction of public school buildings include the placement of fire

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hydrants and water piping as necessary to supply the water capacity required for the fire protection of the building.

Ch. 53 (SB 1030) Presley. Drug diversion program.

Existing law authorizes diversion of specified drug offenders for treatment instead of criminal prosecution. Existing law requires the district attorney to review his or her files to determine whether specified provisions are applicable to the defendant to be eligible for a drug diversion program, and to file a declaration with the court, as specified, regarding his or her determination as to whether the defendant is eligible or not for diversion. This procedure is intended to allow the court to hold the diversion hearing at the arraignment. Existing law also requires a probation department to conduct an investigation and to make a specified report regarding the defendant.

This bill would provide that the above-described procedure is intended to allow the court to set, rather than hold, the diversion hearing at the arraignment. This bill would also specify that nothing in the provisions relating to this procedure shall be construed to affect the obligation of a probation department to conduct its investigation and make the report.

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

Ch. 54 (SB 1288) Beverly. Airports: land use commissions.

(1) Under the State Aeronautics Act, each county in which there is an airport served by a scheduled airline and, with a specified exception, each county with an airport operated for the benefit of the general public, is required to establish an airport land use commission. In the County of Los Angeles, the county regional planning commission has the responsibility for coordinating the airport planning of public agencies within the county.

Existing law requires each commission to formulate a comprehensive land use plan to provide for the orderly growth of each public airport and the area surrounding the airport within the jurisdiction of the commission.

This bill would exempt Los Angeles County, until January 1, 1992, from certain provisions which require a comprehensive land use plan to be adopted by June 30, 1991, which provide for a moratorium on the commencement of certain actions in counties in which a comprehensive land use plan has not been adopted until June 30, 1991, and which require a commission to take certain actions until it adopts such a plan. The bill would make certain declarations with respect to its provisions.

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

Ch. 55 (SB 1564) Kopp. Crimes: kidnapping.

(1) Existing law provides that every person who forcibly steals, takes, or arrests any person in this state, and carries the person into another country, state, or county, or into another part of the same county, or who forcibly takes or arrests any person with a design to take the person out of this state, as specified, is guilty of kidnapping.

This bill would instead provide that any person who forcibly, or by any other means of instilling fear, steals, takes, holds, detains, or arrests the person is guilty of kidnapping. Thus, the bill would impose a state-mandated local program by increasing the scope of existing crimes.

The bill would provide that the kidnapping provisions do not apply to persons who undertake the action to protect the child from danger of imminent harm. The bill would also specify that these kidnapping provisions do not apply to lawful arrests.

(2) Existing law provides that the punishment for kidnapping a person who is 14 years of age and older shall be imprisonment in the state prison for 3, 5, or 8 years, and that the punishment for kidnapping a person under the age of 14 years shall be imprisonment in the state prison for 5, 8, or 11 years.

This bill would provide that if probation is granted for any person who is convicted of kidnapping the court shall, except in unusual cases where the interests of justice would best be served by a lesser penalty, require as a condition of probation that the person be confined in county jail for 12 months. However, this bill would provide that if the court grants probation without requiring the defendant to be confined in the county jail

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for 12 months, it shall specify its reason or reasons for imposing a lesser penalty. To the extent that the bill would require that most persons granted probation serve 12 months in county jail, the bill would impose a state-mandated local program.

(3) Existing law provides that it is a felony offense, punishable as specified, for any person to seize, confine, inveigle, entice, decoy, abduct, conceal, kidnap, or carry away another person by any means whatsoever with the intent to hold or detain, or to hold or detain, that person for ransom, reward or to commit extortion or to exact from another person any money or valuable thing, or for any person to aid or abet any such act.

This bill would provide that if probation is granted to any person who is convicted under those provisions, the court shall, except in unusual cases where the interests of justice would best be served by a lesser penalty, require as a condition of probation that the person be confined in county jail for 12 months. However, this bill would provide that if the court grants probation without requiring the defendant to be confined in the county jail for 12 months, it shall specify its reason or reasons for imposing a lesser penalty. To the extent that the bill would require that most persons granted probation serve 12 months in county jail, the bill would impose a state-mandated local program.

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

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

Ch. 56 (SB 1609) Davis. Law libraries: fees.

(1) Existing law authorizes the imposition of a fee of not more than $12, or in certain counties a fee of not more than $5, for filing the first paper in a civil action as necessary to defray the cost of the law library.

This bill would raise the $12 maximum fee to a maximum of $20, except as specified, and would authorize the board of supervisors to further increase the law library fee after January 1, 1995, as specified. The bill would also raise the maximum fee in $5 counties to $10, except as specified, and would authorize the board of supervisors to further increase the law library fee after January 1, 1995, as specified. This bill would specify that the total law library fee in actions and proceedings in which a claim for damages falls within the monetary jurisdiction of small claims court may not exceed the law library fee in effect on January 1, 1990. This bill would provide a procedure whereby a party could request a reduction of fees to the January 1, 1990, level.

(2) Existing law provides that a board of law library trustees may require persons other than members of the judiciary, county officials, and members of the bar resident in the county to pay dues for the privileges of removing books and other publications from the library.

The bill would authorize a board of law library, with the approval of the board of supervisors, to charge individual members of the bar resident in the county fees for the removal of books and other publications from the library.

(3) Existing law limits the total fees, as defined, which includes the law library fee, that may be collected in civil actions and probate proceedings.

This bill would until January 1, 1994, authorize the exclusion by the board of a prescribed portion of law library fees from the definition of "total fees" for those purposes.

(4) The bill would authorize county boards of supervisors to implement 1990 law library fee increases immediately after the bill takes effect.

(5) The bill would also declare the intent of the Legislature in enacting the bill.

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

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

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

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Ch. 57 (AB 365) Mojonnier. Mental health.

Pursuant to Chapter 1047 of the Statutes of 1988, the authority to license psychiatric health facilities is transferred from the State Department of Health Services to the State Department of Mental Health.

Existing law does, however, contain various references to the authority of the State Department of Health Services to license these facilities, and in some cases to the authority of the State Department of Mental Health to grant a waiver of licensure for these facilities.

This bill would conform these references to refer to licensure by the State Department of Mental Health, including elimination of certain references to that department's authority to grant a waiver of licensure.

The bill would require that the fees for new or renewal licenses be established utilizing the same structure provided for under existing law, but would specify that these responsibilities are vested with the State Department of Mental Health. The bill would require the State Department of Mental Health to make available to the Legislature and other interested parties, on or before January 17 of each year, information describing program costs within the State Department of Mental Health for licensure, regulation, and monitoring of psychiatric health facilities.

Existing law creates the Health Care Advisory Committee, composed of the Director of Health Services, and 12 members to be appointed by the Governor, in order to assist, advise, and make written recommendations to the director regarding existing and proposed regulations, policies, and administrative practices affecting the delivery of services rendered by various health facilities, including psychiatric health facilities

This bill would delete the committee's responsibilities with respect to psychiatric health facilities.

The bill would require that all regulations relating to the licensing of psychiatric health facilities adopted by the State Department of Health Services, and in effect immediately preceding September 20, 1988, remain in effect and be fully enforceable by the State Department of Mental Health with respect to any facility or program required to be licensed as a psychiatric health facility, unless and until readopted, amended, or repealed by the Director of Mental Health.

Since violation of health facility licensing provisions, and willful and repeated violation of regulations adopted thereunder, is a crime, and since this bill would require that psychiatric health facility regulations adopted pursuant to these provisions by the State Department of Health Services be continued in effect until specified conditions are met, the bill would cause certain acts to be treated as criminal conduct, thus constituting a state-mandated local program.

Existing law requires the State Department of Mental Health, in consultation with the Department of Corrections, to develop a voluntary experimental treatment program for persons convicted of sex offenses against a person under 14 years of age, and requires termination of the program January 1, 1991

This bill would extend the termination date of the program to June 30, 1995.

The Budget Act of 1989 appropriates an amount to provide mental health services for specified persons in skilled nursing facilities/special treatment programs.

This bill would add a provision to the Budget Act of 1989 to authorize the State Department of Mental Health to allocate the unencumbered balance of that appropriation which is due to delayed startup of new beds in those facilities to counties to purchase intensive mental health treatment services or for other costs related to the operation of skilled nursing facilities/special treatment programs/institutions for mental diseases programs as approved by the department.

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

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

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

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Ch. 58 (AB 424) N. Waters. Milk and other dairy products: marketing.

(1) Existing law defines "dairy products" for the purpose of certain provisions which regulate the marketing of milk and other dairy products. Existing law makes it a misdemeanor to violate those provisions.

This bill would redefine the term "dairy products" for those purposes and would, in so doing, impose a state-mandated local program by expanding the scope of activities subject to punishment as a misdemeanor.

(2) Existing law prohibits the gift, offer, or promise of any dairy products, with certain exceptions, for the purposes of securing or retaining the dairy product business of any wholesale customer or consumer. Existing law makes that prohibition inapplicable, until January 1, 1991, to the giving of any prize to a consumer in a sweepstakes, contest, or drawing conducted in connection with the sale or marketing of any yogurt, soft fresh cheese (fromage frais), or any Class 2, 3, or 4 dairy product under specified conditions.

This bill would delete the January 1, 1991, termination date for this exception from the prohibition.

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

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

Ch. 59 (AB 2201) Hill. Local agency reorganization: Los Angeles County.

The Cortese-Knox Local Government Reorganization Act of 1985 establishes procedures for the reorganization of entities of local government. Existing law also provides that a statement and map or plat shall be filed with each assessor whose roll is used for tax or assessment levies and with the State Board of Equalization on or before January 1, for the creation of, or change in the boundaries of, a city, district, or zone to be effective for assessment or taxation purposes.

This bill would state the findings and declarations of the Legislature and, would provide that, notwithstanding the filing requirements, the approval of the incorporation of the City of Diamond Bar shall be effective for assessment and taxation purposes for fiscal year 1989–90 if the required statements and maps were filed with the State Board of Equalization on or before May 1, 1989.

The bill would make legislative findings and declarations with regard to the need for a special law applicable to the City of Diamond Bar.

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

Ch. 60 (SB 88) Garamendi. School funding: appropriations limits: capital outlay projects: change in population

(1) Existing provisions of Article XVI of the California Constitution require the state, commencing with the 1988–89 fiscal year, to provide a minimum level of funding for school districts and community college districts equal to the larger of 2 amounts determined in accordance with prescribed formulas. Article XVI allows the minimum level of support requirement to be suspended for one year by the enactment of an urgency statute. Article XVI also requires additional state funding for school districts and community college districts to be provided from a portion of excess revenues of the state in accordance with prescribed formulas.

This bill would provide for statutory implementation of the provisions of a proposed change to Article XVI of the California Constitution regarding a minimum level of funding for school districts, as defined, and community college districts. The bill would direct specifically that certain supplemental appropriations be made to school districts and community college districts for specified purposes, including the purpose of ensuring that the rate of growth in total allocations per unit of average daily attendance equals the rate of growth in per capita appropriations for all other programs and services.

(2) Existing provisions of Article XIII B of the California Constitution prohibit the annual appropriations subject to limitation, as defined, of an entity of government from exceeding its annual appropriations limit and provide for annual adjustments in that limit based on changes in the cost of living and population, calculated in a specified

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manner.

Existing statutory provisions provide for the implementation of Article XIII B of the California Constitution and, among other things, define various terms.

This bill would delete the definition of the term "change in cost of living" for a calendar year.

This bill would authorize a city or special district, with respect to the "change in population" for purposes of the annual adjustment in the appropriations limit, to choose to use the change in population within its jurisdiction or within the county in which it is located. A special district located in 2 or more counties would be permitted to choose to use the change in population in the county in which the portion of the district is located which has the highest assessed valuation.

This bill would authorize a county, with respect to the "change in population" for purposes of the annual adjustment in the appropriations limit, to annually select 1 of 3 specified percentage changes in population.

(3) Existing provisions of Article XIII B of the California Constitution exclude certain appropriations from the appropriations limit for each entity of government.

This bill would define the term "qualified capital outlay project" for purposes of a proposed change to Article XIII B of the California Constitution regarding the appropriations limit.

(4) The bill would direct the Superintendent of Public Instruction, the Chancellor of the California Community Colleges, and other public officers to make those adjustments necessary to implement the above revisions commencing in the 1990–91 fiscal year, as specified.

(5) This bill would become operative only if SCA 1 is approved by the voters.

Ch. 61 (SB 152) Garamendi. School finance.

Existing provisions of Article XVI of the California Constitution require the state, commencing with the 1988–89 fiscal year, to provide a minimum level of funding for school districts and community college districts equal to the larger of 2 amounts determined in accordance with prescribed formulas. Article XVI allows the minimum level of support requirement to be suspended for one year by the enactment of an urgency statute. Article XVI also requires additional state funding for school districts and community college districts to be provided from a portion of excess revenues of the state in accordance with prescribed formulas.

This bill would provide for statutory implementation of the provisions of a proposed change to Article XVI of the California Constitution regarding a minimum level of funding for school districts, as defined, and community college districts. This bill would direct that certain supplemental appropriations be made to school districts and community college districts for specified purposes.

This bill would provide that if this bill and SB 88 are both enacted on or before January 1, 1991, and this bill is enacted after SB 88, the provisions of SB 88, which add the same sections to the Education Code as are added by this bill, shall not become operative.

This bill would become operative only if SCA 1 is approved by the voters.

Ch. 62 (AB 264) Lancaster. Driver's license: firefighters.

(1) Under existing law, a person operating a vehicle is required to have in his or her possession a driver's license for the appropriate class of vehicle operated. Existing law specifies various categories of licenses, and the requirements therefor.

This bill would authorize the Department of Motor Vehicles to issue to a firefighter, as defined, including a volunteer firefighter, a license restricted to the operation of firefighting equipment, as defined. The bill would require each applicant for that license to be qualified by examination prescribed and conducted by the department, and to submit medical information on a form approved by the department. The bill would require the payment of a $25 fee to the department upon application for an original firefighter's license.

(2) Existing law exempts, until July 1, 1990, volunteer firefighters operating a vehicle of a fire department in response to an emergency call, from the licensing provisions applicable to commercial vehicle drivers.

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This bill would delete that exemption.

(3) The bill would require the department to report to the Legislature by January 1, 1992, on the sufficiency of the fee for a firefighter's driver's license, as specified.

(4) The bill would declare that it is to take effect immediately as an urgency statute, and to be operative on July 1, 1990.

Ch. 63 (AB 1317) N. Waters. Crimes: arson.

Existing law provides that a person who commits the crime of arson of a structure or forest land is guilty of a felony punishable by imprisonment in the state prison for 2, 4, or 6 years. Existing law also provides for an additional term or enhancement of 1, 2, or 3 years for a person who commits this offense who has previously been convicted of the same offense.

This bill would provide in addition to the term of imprisonment, as specified, and in addition and consecutive to a specified enhancement for habitual criminals, a person who commits arson, who was previously convicted of arson of a structure or forest land, as specified, is punishable by an additional term of imprisonment in the state prison for 1, 2, or 3 years.

In addition, the bill would declare that it is to take effect immediately as an urgency statute.

Ch. 64 (AB 1545) Cortese. Toll bridges: credit: bond.

Under the California Toll Bridge Authority Act, the Department of Transportation controls the operation of toll bridges, other than the Golden Gate Bridge, including the collection of tolls. The department is required to require the holder of a permit to use any toll bridge or other toll crossing on a credit basis, except as specified, to furnish a bond in an amount equal to twice the department's estimate of the monthly toll charges under the permit.

This bill would authorize the department, for a 5-year period, as specified, to waive the surety bond requirement for any bridge at which an automatic vehicle identification system has been installed and is in operation, and would require the department to submit a report on the toll credit system to the Legislature.

Ch. 65 (AB 1790) Katz. Vehicles.

(1) Existing law requires replacement schoolbuses to meet certain criteria.

The bill would place additional restrictions on the purchase of schoolbuses.

(2) Existing law requires a specified certificate to operate a farm labor vehicle, schoolbus, school pupil activity bus, or transit bus, as defined, and imposes related requirements for training.

This bill would make conforming changes by deleting references in the training requirements to an endorsement and substituting references to the certificate and would revise the training requirements for school pupil activity and transit bus certificates.

(3) Existing law requires each charter-party carrier to pass an annual bus terminal inspection.

This bill would instead require only charter-party carriers that operate tour buses, as defined, to undergo an annual bus terminal inspection.

(4) Existing law requires the Department of the California Highway Patrol, as part of bus facility inspections, to determine compliance with requirements that employers obtain reports showing drivers' records.

This bill would require the department to also determine, as part of those inspections, compliance with transit busdriver certificate requirements.

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

Ch 66 (AB 1827) Peace. School finance.

Existing law requires the county superintendent of schools to compute an amount for each school district's summer school attendance as prescribed.

This bill would provide that elementary and secondary school pupils in voluntary after-school programs in multitrack year-round schools shall be eligible for summer

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school apportionments calculated pursuant to the provisions referenced above, if the programs meet specified conditions.

The bill would also require the State Department of Education to review existing laws authorizing the establishment of summer school programs and to develop a proposal that would allow summer school programs to be conducted at any reasonable time, other than during the full regular schoolday, and to submit the proposal to the appropriate policy committees of the Legislature not later than June 30, 1990.

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

Ch. 67 (AB 2064) Clute. Anabolic steroids.

Existing law prohibits the possession, possession for sale, and sale of anabolic steroids, unless upon the prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in this state. Existing law does not, however, specifically prohibit the advertising of anabolic steroids.

This bill would make it a misdemeanor to advertise the sale of anabolic steroids unless the advertisement contains a statement indicating that the possession by, or sale to, an ultimate consumer of anabolic steroids is a crime punishable by a substantial fine and imprisonment. The bill would impose a state-mandated local program upon local governments by creating a new crime.

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

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

Ch. 68 (AB 2084) Murray. Crimes.

Existing law provides that probation shall not be granted to, nor the execution or imposition of sentence be suspended for, a person who commits or attempts to commit one or more specified offenses against a person who is 60 years of age or older; or against a person who is blind, a paraplegic, or a quadriplegic and the disability is known or reasonably should be known to the person committing the crime.

This bill would provide that probation shall not be granted to, nor the execution or imposition of sentence be suspended for, a person who commits or attempts to commit one or more of the specified offenses against a person who is confined to a wheelchair and the disability is known or reasonably should be known to the person committing the crime.

Ch. 69 (AB 2297) Cortese Financial disclosure: multiagency filers.

Under the Political Reform Act of 1974, specified individuals are required to file an assuming office statement, periodic statements of economic interest, and a leaving office statement. The information required to be disclosed on these statements varies depending on the agency and the position the filer holds. An individual who serves more than one agency is required to file these statements for each agency. A knowing or willful violation of the act is a misdemeanor.

This bill would allow an individual who has reporting requirements for more than one joint powers insurance agency to elect to be a multiagency filer, notify the commission of that election, file his or her statement of economic interests with the commission, and file a statement with each agency with which the individual is under contract, declaring that his or her statement of economic interests is on file with the commission and available upon request. The statement of economic interests would provide information disclosing all investments in entities doing business in the state, all interests in real property located within the state, and all income received during the applicable time period, and would be filed in lieu of disclosure statements for each agency. By revising the definition of an existing crime, this bill would impose a state-mandated local program.

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

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

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes with a ⅔ vote of each house and compliance with specified procedural requirements.

This bill, which would declare that it furthers the purposes of the act, would therefore require a ⅔ vote.

Ch. 70 (AB 2358) Bradley. Highways permanent road divisions: formation.

Under the Permanent Road Division Law, any portion of a county not already within a permanent road division may be formed into a division pursuant to a petition for formation signed by a majority of the landowners within the proposed division or the owners of more than 50% of assessed valuation within the division.

This bill would also permit the board of supervisors, by resolution, to form a permanent road division. The bill would prescribe procedures for protesting the proposal and for a hearing thereon, and would specify conditions under which an election would be required.

Ch 71 (AB 2498) N. Waters. Vehicles. tire traction devices.

(1) Existing law authorizes the Department of the California Highway Patrol to establish standards and specifications for tire chains, excepts tire chains from a prohibition against the use of certain protuberances on tires, and prohibits the operation of vehicles under specified conditions without tire chains

This bill would apply those provisions to tire traction devices, as defined, rather than tire chains, and would make related changes. Since a violation of certain of those provisions would be an infraction, the bill would impose a state-mandated local program by creating a new crime.

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

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

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

Ch 72 (SB 122) L. Greene. Essential services buildings.

Existing law requires an enforcement agency, as defined, to review the design and inspect the construction of essential services buildings, as defined, or the reconstruction, alteration, or addition to any essential services building to the extent it deems necessary to ensure that drawings and specifications comply with applicable sections of specified model codes and Title 24 of the California Code of Regulations

Existing law further requires the enforcement agency to approve or reject all drawings and specifications for the construction or alteration of essential services buildings, as a condition of commencing building construction or alteration, except under specified circumstances.

Existing law defines enforcement agency as the agency of a city, city and county, or county, responsible for building safety within its jurisdiction. The enforcement agency for state-owned or state-leased facilities is the Office of the State Architect.

This bill would specify that when the enforcement agency is a local agency, drawings and specifications must comply with locally adopted editions of the specified model codes and specified state building code regulations contained in Title 24 of the California Code of Regulations, and when the enforcement agency is the Office of the State Architect, drawings and specifications must comply with all parts of the State Building Standards Code as adopted by the Office of the State Architect and contained in Title 24 of the California Code of Regulations.

Ch. 73 (SB 819) Robbins. Vehicles. removal

Existing law authorizes specified peace officers and city and county employees to remove vehicles from highways under various prescribed circumstances.

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This bill would also permit the removal of any vehicle, with a specified exception, parked on a highway or on public land when it appears that the primary purpose of parking the vehicle at that location was to advertise to the public an event or function on private property or on public property used for a private event or function to which the public is invited, the vehicle was previously issued a notice of parking violation with a notice warning that an additional parking violation may result in impoundment, and the registered owner has been mailed a notice advising of the parking violation and that an additional violation may result in impoundment.

Ch. 74 (SB 1243) Garamendi. Transaction taxes and use fuel taxes.

The existing Transaction and Use Tax Law authorizes counties to impose a transaction tax, as specified, to finance rapid transit systems.

This bill would make nonsubstantive changes to that law.

The existing Use Fuel Tax Law provides that the obligation of a successor in interest in an entity subject to use fuel taxes is enforced by serving a notice of successor liability on the person in the manner prescribed for service of a notice of deficiency determination.

This bill would require the State Board of Equalization to serve that notice not later than 3 years after the date the board is notified of the purchase of the business or stock of goods.

Ch. 75 (SB 1758) Morgan. Schools: partnership academies.

Existing law requires the Superintendent of Public Instruction to issue grants to school districts maintaining high schools that meet certain specifications, for purposes of planning, establishing, and maintaining partnership academies. The amount of the grants is based on the number of qualified students enrolled in an academy, as specified. Existing law defines "qualified student" for purposes of these provisions.

This bill would describe an academy student who is qualified for the first semester and would authorize the school district to receive ½ of the yearly amount for that student. The bill also would provide that credits earned in summer session are attributable to meeting the previous year credit requirement.

Ch. 76 (SB 746) Royce. Aid to families with dependent children. rates.

Existing law provides for the Aid to Families with Dependent Children - Foster Care (AFDC-FC) program, through which qualified children in foster care are provided assistance for specified needs. The AFDC-FC program is administered and partially funded by the counties, and is administered pursuant to regulations adopted by the State Department of Social Services.

Existing law specifies the rates of AFDC-FC assistance for a child placed in one of several types of homes, including a licensed or approved family home with a capacity of 6 or less, or in an approved home of a nonrelated legal guardian or a relative, and specifies that, counties shall establish a specified rate structure by January 1, 1990, and provides that, beginning with the 1991–92 fiscal year, the schedule of basic rates shall be adjusted.

This bill would require certain counties which did not increase those basic rates under the AFDC-FC program on January 1, 1990, to increase the basic rate, for which state participation is received by 12%, and to further adjust that increased basic rate by an additional 5%, effective May 1, 1990.

By requiring those counties which did not increase the basic rates under the AFDC-FC program on January 1, 1990, to increase those rates on May 1, 1990, and to further increase those rates, on May 1, 1990, by the generally applicable 5% rate increase which must be made by all other counties on July 1, 1991, this bill would impose a state-mandated local program.

This bill would revise state financial participation for counties which receive state participation which have a basic rate which is higher than the state basic rate, and for counties which, after certain adjustments, have a state participation level below a specified amount.

Existing law continuously appropriates funds to counties for the implementation of

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the AFDC-FC program.

This bill would revise the method of calculating the amount of funds which will be available for state participation in the AFDC-FC program, thereby revising the continuous appropriation and resulting in an appropriation.

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

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

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

Ch. 77 (SB 1464) Rosenthal. Weights and measures.

(1) Existing law provides for the removal from commercial usage of any weighing, measuring, or counting instrument or device sold or used in violation of designated provisions, which may be either seized or marked with a tag or other suitable device as prescribed.

This bill would make any such instrument or device so marked subject to seizure by the sealer if the owner or user refuses or neglects to have it brought into compliance with those provisions within 30 days, require the sealer to deface, destroy, or otherwise dispose of the instrument or device under certain circumstances, and impose a state-mandated local program by requiring the sealer to notify the board of supervisors of that fact.

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

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

Ch. 78 (AB 129) Floyd. Alcoholic beverages.

Existing law authorizes a winegrower, beer manufacturer, brandy manufacturer, distilled spirits manufacturer, or distilled spirits manufacturer's agent to advertise in any regular publication, published at least monthly, of a bona fide trade association the members of which are food retailers, as defined, notwithstanding restrictions of the Alcoholic Beverage Control Act.

This bill would expand this authorization to include advertisements in any regular publication, published at least quarterly, of any bona fide trade association the members of which are food or alcoholic beverage retailers, which does not advertise on behalf of, or directly benefit, any individual retail licensee.

Ch. 79 (AB 759) Friedman. Probate.

Existing law establishes the Probate Code.

This bill would, contingent upon the enactment of Assembly Bill 831, repeal and reenact the Probate Code operative July 1, 1991. The bill would also make corresponding changes to provisions of the Civil Code, Financial Code, and Health and Safety Code, and would make additional changes in the Probate Code, contingent upon the enactment of Senate Bill 1774 and Senate Bill 1855, as specified.

Ch. 80 (AB 1265) D. Brown. Crimes. witness intimidation.

Existing law provides, with limited exceptions, that any person who has been convicted of a specified felony, who willfully and maliciously communicates to a witness to, or a victim of, the crime for which the person was convicted, a credible threat to use force or violence upon that person or that person's immediate family, shall be punished by imprisonment in the county jail not exceeding one year or by imprisonment in the state prison.

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This bill would provide, instead, that any person who violates that provision shall be punished by imprisonment in the county jail not exceeding one year, or by imprisonment in the state prison for 2, 3, or 4 years.

Existing law also provides, with limited exceptions, that every person who willfully threatens to use force or violence upon a witness to, or a victim of, a crime or any other person, or to take, damage, or destroy any property of any witness, victim, or any other person because he or she has provided any assistance or information to a law enforcement officer, or to a public prosecutor in a criminal proceeding or juvenile court proceeding, is guilty of a misdemeanor. Moreover, any person who commits a specified crime while violating these provisions is punishable by imprisonment in a county jail for a period of not more than one year or by imprisonment in the state prison.

This bill would delete the latter provision regarding a person who commits a specified crime while violating the provisions regarding threats upon witnesses, and would provide, as to the former provisions regarding threats upon witnesses, that any person who violates those provisions shall be punished by imprisonment in the county jail not exceeding one year, or by imprisonment in the state prison for 2, 3, or 4 years.

Ch. 81 (AB 2046) Murray Weapons.

(1) Existing law prohibits the advertising for sale of certain weapons or devices whose possession is prohibited by law, as specified.

This bill would prohibit the advertising for sale of machineguns, as specified.

(2) Under existing law, except as specified, the sale, offer for sale, possession, or knowing transportation of a machinegun, as defined, is a felony punishable by imprisonment in the state prison or by a fine not to exceed $10,000, or both the fine and imprisonment.

Existing law also specifies that when no fine is prescribed for a crime punishable by imprisonment in state prison, the court may impose a fine of $10,000 in addition to the punishment prescribed

This bill would revise the penalties for sale or offer for sale of a machinegun by deleting the specified fine and increasing the term of imprisonment to 4, 6, or 8 years in state prison

The bill also would make it a crime to intentionally convert a firearm into a machinegun or to knowingly manufacture a machinegun, punishable by imprisonment in the state prison for 4, 6, or 8 years. The bill also would make related technical changes. The bill would impose a state-mandated local program by creating a new crime.

(3) Existing law provides that the Department of Justice may issue permits for the possession and transportation, or possession or transportation, of machineguns.

This bill, instead, would provide that the department may issue permits for the possession, manufacture, and transportation or possession, manufacture, or transportation of machineguns.

(4) Existing law provides that any person, firm, or corporation who within this state possesses a silencer for firearms is guilty of a felony. Existing law also specifies that these provisions shall not prohibit certain peace officers or the military or naval forces of this state or of the United States from possessing silencers for official use in the discharge of their duties.

This bill would additionally exempt the following:

(a) The sale to, purchase by, or possession of silencers by specified law enforcement agencies, or the sale to or purchase of silencers by military or naval forces of this state or of the United States for use in the discharge of their official duties.

(b) The manufacture, possession, transportation, or sale or other transfer of silencers to an entity described in (a) by persons registered as dealers or manufacturers under federal law, as specified.

(5) Existing law makes it a felony to possess a silencer.

This bill would make a technical, nonsubstantive change to that provision.

(6) Existing law makes it a misdemeanor to knowingly manufacture, sell, offer for sale, possess, or use a blowgun or blowgun ammunition

This bill would provide that nothing in this provision shall prohibit the sale to, purchase by, possession of, or use of, blowguns or blowgun ammunition by zookeepers,

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animal control officers, Department of Fish and Game personnel, humane officers, as specified, or veterinarians in the course and scope of their business in order to administer medicine to animals.

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

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

Ch. 82 (SB 655) Presley. Peace officers

(1) Under existing law, various code sections assign specific duties, privileges, and powers to specified peace officers.

This bill would include certain designated officers and employees of the Department of Fish and Game, within certain of those provisions.

(2) Under existing law, several code sections in the Penal Code classify various officers and employees of state and local agencies as peace officers.

This bill would further revise certain of those provisions to include references to additional categories of peace officers in insurance related provisions.

This bill would also revise certain provisions of law relating to railroad police.

(3) Existing law enumerates specified persons who are peace officers whose authority extends to any place in the state for purposes of performing their primary duty or when making an arrest under specified provisions of law. The authority of these peace officers to carry firearms is subject to prior authorization and terms and conditions specified by the employing agency Included within this category of peace officers are persons employed as port wardens and special officers of the Harbor Department of the City of Los Angeles. However, existing law also includes these port wardens and special officers of the Harbor Department of the City of Los Angeles within a second category of peace officers whose authority extends to any place in the state without restriction as to arrest powers and authority to carry firearms.

This bill would delete those peace officers from the first-described category of peace officers, thereby limiting that category of peace officers to inclusion within the second-described category of peace officers whose authority extends to any place in the state without restrictions as to arrest powers and authority to carry specified firearms.

(4) Existing law enumerates certain persons who are peace officers and whose authority extends to any place in the state including members of the California National Guard under specified conditions.

Under a second provision of existing law, enumerated persons are classified as peace officers whose authority extends to any place in the state for purposes of performing their duties under the conditions specified by statute and provided that this category of peace officers may carry firearms only if authorized and under terms and conditions specified by the employing agency. Included within this second category of peace officers are members of the California National Guard under the same specified conditions as the above.

Under a third provision of existing law, marshals and police appointed by the Board of Directors of the California Exposition and State Fair are designated as peace officers whose authority extends to any place in the state for purposes of performing their primary duty and when making certain arrests.

This bill would delete members of the California National Guard from the first-described category of peace officers, thereby limiting those members to inclusion within the second-described category of peace officers.

The bill would delete the described marshals and police of the California Exposition and State Fair from the third-described category of peace officers, and would include those officers in the first-described category of peace officers.

(5) Under existing law, court service officers in a county of the third class are designated as peace officers with specified powers and duties, including the authority to carry firearms if authorized by the employing agency.

This bill would include court service officers in a county of the second class within the described category of peace officers. Because a county of the second class would be

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required to comply with requirements concerning peace office employees, the bill would impose a state-mandated local program.

(6) Existing law provides that federal criminal investigators are not California peace officers but may exercise the powers of arrest, as specified.

This bill would include federal law enforcement officers within the above-described category of federal officials.

(7) Existing law grants certain persons the power of arrest provided that these persons have received a specified course of training, but specifically provides that they are not peace officers.

This bill would require those persons to have successfully completed a course, rather than receive that course of training.

(8) Existing law requires any person or persons desiring peace officer status under the law, who, on January 1, 1990, were not entitled to be designated as peace officers, to request the Commission on Peace Officer Standards and Training to undertake a feasibility study, as specified, regarding designating the person or persons as peace officers. Existing law, however, provides that this procedure does not apply to or otherwise affect the authority of certain listed public officials and agencies to designate certain persons as peace officers as authorized by statute.

This bill would make a clarifying change in the described procedure and would include the Director of the Youthful Offender Parole Board in the listed officials and agencies in which the procedure does not apply or otherwise affect with respect to designating persons as peace officers, as provided by statute.

(9) Existing law specifies when an authorized emergency vehicle may display a flashing blue warning light.

This bill would include authorized emergency vehicles used by peace officers of the California State University Police Departments and marshals and police appointed by the Board of Directors of the California Exposition and State Fair in the performance of their duties

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

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

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

Ch. 83 (AB 54) Elder. STRS: one-year final compensation: multiple retirements.

(1) A provision of the State Teachers' Retirement Law which was added in 1989 authorizes employers to elect to provide for classroom teachers, as defined, who retire on or after June 30, 1990, one-year final compensation, through a specified written contract and provides that the costs of that benefit shall be paid by annual reimbursement of STRS from a negotiated trust fund.

This bill would make that benefit also applicable to classroom teachers who become disabled or die on or after June 30, 1990. This bill would revise the definition of classroom teacher to impose the condition of 10 years of prior employment with the same employer and provide that certain leaves of absence shall not constitute a break in employment for purposes of employment continuity determinations. This bill would revise the required contents of the written agreement, among other things: to require the trust fund to be administered by a specified trust fund board; to make the establishment of a trust fund and a trust fund board optional if the employer agrees to pay the total costs; to require reimbursement of STRS within 30 days of invoicing, rather than annually after retirement; to revise the calculation of the reimbursed costs, to require the charging of interest for payments not received within the prescribed timeframe; and to provide for collection procedures.

This bill would provide that only service credited under STRS subsequent to the date

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of the election shall be subject to these provisions.

This bill would also make other related, technical, and clarifying changes.

(2) The existing State Teachers' Retirement Law provides for service retirement allowances and provides for the recalculation of allowances in cases of multiple retirements.

This bill provides a new procedure for the recalculation of allowances in cases of multiple retirements to, among other things, annuitize previous allowance payments plus interest over the life expectancy of the member and subtract this annuity amount from the calculated unmodified allowance based upon the member's age and final compensation at the time of the subsequent retirement.

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

Ch. 84 (SB 1738) Roberti. Political Reform Act of 1974: governmental ethics

(1) Existing provisions of the Political Reform Act of 1974 require individual lobbyists to annually file with the Secretary of State a renewable lobbyist certification at the beginning of each regular session of the Legislature.

This bill would require a lobbyist, beginning with the 1991–92 Regular Session of the Legislature, to also file a statement that he or she has completed an orientation course on relevant ethical issues and lobbying within the previous 24 months. It would permit the acceptance by the Secretary of State of a conditional certification for lobbyists, as specified.

This bill would require the appropriate legislative ethics committees to conduct at least semiannually an orientation course on relevant statutes and regulations governing official conduct, and to conduct at least annually an orientation course on the relevant ethical issues and laws relating to lobbying, in consultation with the Fair Political Practices Commission. It would require each Member of the Legislature and each designated employee of the Legislature to attend at least one of these courses at least once in each biennial session. It would also authorize the committee to impose fees on lobbyists for attending the latter course.

(2) Existing law prohibits the members of the State Board of Equalization from engaging in any gainful profession, trade, business, or occupation which involves a conflict of interest with their property tax duties as members of the board. Conflict of interest includes receipt of compensation or gifts from private persons or firms for advice or other services relating to the taxation or assessment of property.

This bill would require, prior to rendering any decision in any adjudicatory proceeding pending before the State Board of Equalization, each member who knows or has reason to know that he or she received a contribution or contributions within the preceding 12 months in an aggregate amount of $250 or more from a party or his or her agent, or from any participant or his or her agent, to disclose that fact on the record of the proceeding

This bill would prohibit a member from making, participating in making, or in any way attempting to use his or her official position to influence, the decision in any adjudicatory proceeding pending before the board if the member knows or has reason to know that he or she received a contribution or contributions in an aggregate amount of $250 or more within the preceding 12 months from a party or his or her agent, or from any participant or his or her agent, as specified.

This bill would require a party to, or a participant in, an adjudicatory proceeding pending before the board to disclose on the record of the proceeding any contribution or contributions in an aggregate amount of $250 or more made within the preceding 12 months by the party or participant, or his or her agent, to any member of the board.

This bill would create a state-mandated local program by imposing criminal sanctions for violations of these provisions, and would prohibit any person convicted of a misdemeanor under these provisions from being a candidate for any elective office or acting as a lobbyist for a period of 4 years unless the court at the time of sentencing specifically otherwise determines.

(3) The Political Reform Act of 1974 provides, among other things, that no public official shall make, participate in making, or in any way attempt to use his or her official position to influence a governmental decision in which he or she has a financial interest,

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but provides that specified remedies are not applicable to elected state officers.

This bill would make certain remedies otherwise inapplicable under the Political Reform Act of 1974 applicable to any Member of the Legislature who makes or participates in, or uses his or her official position to influence specified governmental decisions, and who knows or has reason to know that he or she has a financial interest in the decision, as specified.

(4) The Political Reform Act of 1974 requires every state or local government agency to submit a proposed conflict of interest code, and proposed amendments to an existing code, to the code reviewing body within prescribed time limits. The act further provides that if any state or local government agency fails to submit a code or amendments within prescribed time limits, the code reviewing body may take appropriate action, as specified.

This bill would provide instead that, in the case of amendments to an existing code, the provisions making a failure to submit amendments within prescribed time limits subject to appropriate action by the code reviewing body are to apply only to amendments of any state agency. It would require, in addition, every state agency to submit to the code reviewing body a biennial report by March 1 of each odd-numbered year, identifying specified changes in its code.

(5) The Political Reform Act of 1974 provides for lifetime restrictions on the activities of officers and employees who formerly served in the executive branch of state government but who subsequently engage in postgovernment employment for compensation. Specifically, it prohibits representation, as specified, by a former agency official of a postgovernment employment client in a judicial, quasi-judicial, or other proceeding, in which the State of California is a party or has a direct and substantial interest, and the former agency official had participated in the proceeding. The act further prohibits a former agency official from aiding, assisting, or advising anyone else in representing such a client in such a matter if the official himself or herself would be prohibited from serving in a representative capacity.

This bill would provide that no Member of the Legislature, for a period of one year after leaving office, shall, for compensation, act as agent or attorney for, or otherwise represent, any other person before, among others, the Legislature if the appearance or communication is made for the purpose of influencing legislative action. It would impose similar restrictions upon elected state officers, other than Members of the Legislature, with respect to specified representation of any other person before any state administrative agency, as specified, if the appearance or communication is for the purpose of influencing administrative action, or other specified actions or proceedings. It would also provide that no designated employee of a state administrative agency, any officer, employee, or consultant of a state administrative agency who holds a position, as specified, and no member of a state board or commission, for a period of one year after leaving office or employment, shall, for compensation, make specified representation for any other person before any state administrative agency, as specified, for which he or she worked or represented during the 12 months before leaving office or employment, if the representation is made for the purpose of influencing administrative action, or other specified actions or proceedings. It would provide limited exceptions from these prohibitions. It would also provide that no state administrative official, elected state officer, or designated employee of the Legislature shall use his or her position to influence any governmental decision relating to any person with whom he or she is negotiating, or has any arrangement concerning, prospective employment. By changing the definition of existing crimes under the Political Reform Act of 1974, this bill would impose a state-mandated local program. It would provide that these provisions would become operative on January 1, 1991, but only if SCA 32 of the 1989–90 Regular Session is approved by the voters.

(6) Existing provisions of the Political Reform Act of 1974 prohibit elected officeholders from accepting gifts or honoraria from a single source in excess of $1,000 in a calendar year, except for travel expenses, for speeches, articles, or publications relating to the governmental process.

This bill would repeal these provisions and enact other provisions within the Political

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Reform Act of 1974 as part of an Ethics in Government Act of 1990. It would prohibit a local elected officeholder from accepting honoraria for specified activities, or any gifts, from a single source in excess of $1,000 in a calendar year, except reimbursement for certain travel and subsistence expenses.

This bill would prohibit an elected state officer, including the Insurance Commissioner, from accepting an honorarium, as defined, with specified exceptions, or from accepting gifts of more than $250 from a single source in a calendar year, except as specified. It would prohibit any member of a state board or commission, and designated employees of a state agency, from accepting an honorarium or gifts of more than $250 in a calendar year if the honorarium or gifts would be subject to reporting on a statement of economic interest It would require state agencies to amend their conflict of interest codes in accordance with these provisions.

This bill would provide that payments, advances, or reimbursement for travel, including actual transportation and lodging and subsistence, which is reasonably related to a legislative or governmental purpose, or to any issue of state, national, or international public policy, is not prohibited by the above provisions under specified circumstances.

The provisions relating to honoraria and gifts, including payments, advances, or reimbursement for travel, would become operative only if SCA 32 is approved by the voters

(7) Existing provisions of the Political Reform Act of 1974 require that all contributions into a candidate's campaign account be held in trust for expenses associated with the election. The act also imposes various limitations on the use of campaign funds.

This bill would repeal and reenact these provisions as part of the Ethics in Government Act of 1990. However, it would authorize the use of campaign funds to make gifts in a single year with a total cumulative value of less than $250 to, among others, an individual employee, or a campaign committee worker. It would make related technical changes

This bill would also provide that whenever campaign funds are used to pay or reimburse a candidate, or an elected officer, among others, for travel expenses and necessary accommodations, any mileage credit which is earned or awarded pursuant to an airline bonus mileage program shall be deemed personally earned by or awarded to the individual traveler. It would provide that neither the earning or awarding of mileage credit, nor the redeeming of credit for actual travel, shall be subject to reporting pursuant to specified provisions of law

(8) Existing law makes a violation of the act subject to administrative, civil, and criminal penalties

This bill would provide that the provisions of that act imposing criminal penalties shall not apply to violations of the provisions relating to honoraria, gifts, contributions held in trust, and limitations on the uses of campaign funds.

Existing law makes a person who violates the provisions limiting the uses of campaign funds liable in a civil action brought by the civil prosecutor or a resident of the jurisdiction for up to $500 or 3 times the amount of the unlawful expenditure, whichever is greater.

This bill would instead make any person who makes or receives an honorarium, gift, or expenditure of campaign funds in violation of the provisions of this bill liable in a civil action brought by the Fair Political Practices Commission for up to 3 times the amount of the unlawful honorarium, gift, or expenditure.

This bill, however, would impose a state-mandated local program by imposing these criminal penalties on persons who violate other provisions of this bill.

(9) The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes with a ⅔ vote of each house and compliance with specified procedural requirements

This bill, which would declare that it furthers the purposes of the act, would, therefore, require a ⅔ vote.

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

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

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reason.

(11) This bill would state the intent of the Legislature with respect to specified provisions of the Political Reform Act of 1974 which are renumbered or technically amended by this bill. It would provide that a court judgment on those former provisions of the act shall have the same force and effect on provisions which have been renumbered by this bill, as specified.

Ch. 85 (SB 945) Watson. Community mental health advisory boards.

Existing law specifies the composition of community mental health service advisory boards, and lists some exclusions from membership on these boards. Until January 1, 1990, paid members of the governing body of a Short-Doyle contract agency were among those excluded from membership on advisory boards. Under current law, however, all members of governing bodies of Short-Doyle contract agencies are excluded from participation on the mental health advisory boards.

This bill would allow not more than 2 nonpaid members of the governing bodies of Short-Doyle contract agencies to serve as members of a community mental health service advisory board.

This bill would also require that members of the advisory board abstain from voting on any issue in which they have a financial interest.

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

Ch. 86 (SB 977) Beverly. Securities.

Existing law makes it a crime for any person to offer or sell in this state any security in an issuer or nonissuer transaction, unless the sale or security is either qualified or exempted. Under existing law, any security listed or approved for listing on a national securities exchange or designated or approved for designation as a national market system security on an interdealer quotation system by the National Association of Securities Dealers, Inc., as specified, is exempt if the exchange or interdealer quotation system has been certified, as specified.

This bill would require a national securities exchange or interdealer quotation system of the National Association of Securities Dealers, Inc. certified, as specified, to file annual reports with the Commissioner of Corporations upon request of the commissioner. The bill would require the reports to contain specified information by issuer including information with respect to the variances granted to an exchange's listing standards or interdealer quotation system's designation criteria, including variances from corporate governance and voting rights' standards for any security of that issuer.

Ch. 87 (SB 1731) Bergeson. Validations.

This bill would enact the First Validating Act of 1990, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

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

Ch. 88 (AB 776) Eaves. Public agencies: garbage vehicles.

Existing law prohibits operation of vehicles in excess of specified weight limits, a violation of which is an infraction.

This bill would, in addition to any other fine or penalty, authorize assessment of a civil penalty on any local public agency which owns or operates vehicles used for the collection of garbage, refuse, or rubbish and which has been convicted of violation of the weight limits an excessive number of times, as specified. Penalties recovered would be deposited in the State Highway Account in the State Transportation Fund, for use, upon appropriation, for highway maintenance.

Ch. 89 (AB 1314) Clute Vehicles: dealers: unlawful acts.

(1) Existing law makes it unlawful for a licensed vehicle dealer, as defined, to engage in specified acts.

This bill would include among those unlawful acts the failure to report to the Department of Justice, as prescribed, transactions involving currency of more than $10,000.

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Since a violation of this provision would be a misdemeanor, the bill would impose a state-mandated local program by creating a new crime.

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

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

Ch. 90 (AB 2445) Tucker. Vehicles: licensees: fees and penalties.

(1) Existing law requires the payment of a $15 fee for the annual renewal of a license issued by the Department of Motor Vehicles to a vehicle dealer, lessor-retailer, dismantler, manufacturer, manufacturer branch, remanufacturer, remanufacturer branch, transporter, distributor, distributor branch, and representative.

This bill would increase those fees to $85, except that the fee for renewal of a vehicle dealer's and lessor-retailer's license would be increased to $100. The bill would state the intent of the Legislature that $15 of the increase in renewal fees for a dealer's and lessor-retailer's license, when appropriated, be utilized by the department to investigate those dealers and lessor-retailers who demonstrate the greatest potential for causing losses to consumers, in accordance with specified standards and criteria.

(2) Existing law authorizes the Director of Motor Vehicles to enter into a stipulated compromise settlement agreement including a maximum monetary penalty of $500 or $1,000, as specified, relative to violations of provisions regulating vehicle manufacturers, transporters, dealers, salesmen, and representatives. Existing law prohibits a licensed dealer from engaging in business without maintaining an established place of business.

This bill would allow the department to assess a monetary penalty of not more than $2,500 per violation and impose a license suspension of not more than 30 days with respect to a vehicle dealer, salesman, or wholesaler who offers a vehicle for sale at a place other than the authorized place of business.

(3) Existing law requires the payment of a $15 annual fee for the renewal of a vehicle salesman's license issued by the department.

This bill would increase that fee to $50.

(4) The provisions of the bill increasing the license fees would become operative on July 1, 1990.

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

Ch 91 (SB 752) McCorquodale. State park system: Golden Bear Senior Pass.

Under existing law, the Department of Parks and Recreation is required to develop and implement a senior discount program for the use of state park system facilities.

This bill would authorize that program to be modified to include a "Golden Bear Senior Pass" available to any person over 62 and would authorize the department to set the fee for the pass and to specify the facilities and times for which the pass is valid so as to minimize any loss in total annual park revenues.

Ch. 92 (SB 1406) Vuich. Agriculture: Wine Grape Inspection Advisory Committee.

(1) Existing law establishes the Wine Grape Inspection Advisory Committee with prescribed powers and duties to advise the Director of Food and Agriculture on all matters pertaining to grapes for wine and by-products.

This bill would revise and restate, with various changes, the provisions establishing the committee. The bill would revise the membership of the committee commencing on the effective date of the bill and would further revise the membership of the committee on January 1, 1993 The bill would require the committee to report to the director concerning the varietal and appellation integrity program. The bill would require the committee to recommend to the director objective criteria and inspection procedures for all quality conditions that have an effect on the acceptance of, or on the amount of the purchase price of, fresh grapes used for wine and by-product purposes.

(2) Existing law provides for the regulation of grapes produced for making wine.

This bill would permit the Director of Food and Agriculture to inspect any transaction

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that involves the use of fresh grapes for wine and by-products purposes for varietal and appellation integrity. The bill would authorize the director to adopt a budget and establish necessary fee schedules, as prescribed, for funding these inspections. The bill would require that the fees be paid by processor industry sources and by producers, as prescribed, would require that the fees be deposited in the Department of Food and Agriculture Fund, and would continuously appropriate the funds for the purposes of the program. These provisions would be repealed January 1, 1993. Since a violation of the provisions would be a misdemeanor, the bill would impose a state-mandated local program by creating a new crime.

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

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

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

Ch. 93 (AB 451) Johnston. Vehicles.

Under existing provisions of an initiative statute, which became operative on November 9, 1989, and which may be amended by the Legislature only by a statute enacted by a ⅔ vote of both houses, insurers are required to offer and sell a good driver discount policy to every person qualified to purchase the policy. Under existing law, a person is qualified if, among other things, within the previous 3 years the person did not have more than one motor vehicle violation point count. Under existing law, for that purpose, the driver of a motor vehicle involved in an accident which resulted only in damage to property shall receive one violation point count in addition to other applicable point counts.

This bill would provide that the point count is imposed on the driver of a motor vehicle involved in an accident for which he or she was principally at fault which resulted only in damage to property

Under existing law, the record relating to the first dismissal in a 12-month period of a traffic violation after having attended driving school is confidential.

This bill would provide that the record relating to the first dismissal in an 18-month period of a traffic violation after having attended driving school is confidential.

This bill would also make a technical change.

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

Ch. 94 (AB 1005) Frazee. Architecture.

Existing law requires an architect who prepares plans and other documents to sign those plans and documents and to note his or her license number on the plans or documents.

This bill would require an architect to affix a stamp bearing, among other things, the architect's name, license number, the term "licensed architect," and the renewal date of the license, on plans and documents in lieu of noting the license number.

The bill would make it unlawful for any unlicensed person to use the stamp of a licensed architect or a stamp or seal which bears the legend "State of California" or words or symbols that indicate that he or she is licensed by the state on plans or documents for buildings or structures that are submitted to a governmental entity for approval or for the issuance of a permit. It also would make related changes.

The bill would make declarations of legislative intent and would make other technical, nonsubstantive changes.

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

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

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

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Ch. 95 (AB 1784) Katz. Transportation agencies: Los Angeles County.

(1) Existing law creates and prescribes the powers and duties of the Southern California Rapid Transit District and the Los Angeles County Transportation Commission, and prescribes the membership of the governing bodies of the district and the commission. Of the 12 members of the commission, 11 are voting members who may be represented by alternates, as specified. Alternate members of the commission are prohibited from also serving on the board of directors of the district.

This bill would suspend that prohibition until July 1, 1992.

This bill would, until July 1, 1992, require the governing bodies of the district and the commission to conduct joint regular meetings at least once during each quarter of the calendar year, and would declare the Legislature's intent that reasonable efforts be made to discuss major fiscal and policy items at those meetings.

The bill would require specified appointing authorities, rather than their appointees and alternates, to serve at those meetings.

The bill would suspend the requirement that appointments to the board and the commission made prior to July 1, 1992, by the Mayor of the City of Los Angeles be confirmed or consented to by the City Council of the City of Los Angeles, and would limit the appointee's term to 60 days if the appointee is not a member of that city council and is not confirmed.

The bill would impose a state-mandated local program by requiring the commission and the district to jointly develop a plan for the reorganization of both agencies, and to submit the plan to the Legislature by January 1, 1992.

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

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

However, the bill would require, if it is determined that there are state-mandated local costs, that any reimbursement to the district and the commission come from state funds allocated to either entity by the California Transportation Commission for transportation purposes.

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

Ch. 96 (AB 2115) Wright. Trial court funding.

(1) Existing law, the Brown-Presley Trial Court Funding Act, establishes a program of state block grants for trial courts on a county option basis, as specified.

This bill would add a provision to that act, which was originally enacted by Chapter 944 of the Statutes of 1988 but repealed by Chapter 945 of the Statutes of 1988, requiring the Controller to allocate to Ventura County a special subvention of vehicle license fee revenues as necessary to supplement the net county benefit, as defined, pursuant to the Brown-Presley Trial Court Funding Act in order to achieve a net county benefit of $5,000,000.

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

Ch. 97 (SB 682) C. Green. STRS: optional settlements.

The existing State Teachers' Retirement Law authorizes a member to elect from specified optional settlements which provide, upon the postretirement death of the retirant, for specified lifetime payments to a beneficiary designated by the member.

This bill would add 2 new additional optional settlements, Options 6 and 7, providing for specified increases in the retirement allowance if the designated option beneficiary predeceases the retirant. This bill would make related changes and would repeal a related outdated provision.

Ch. 98 (SB 1848) Robbins. School property: leasing.

Under existing law, the governing board of a school district must adopt by a ⅔ vote a resolution of intent to lease school property for more than 5 days. The board must then hold a public meeting not less than 3 weeks later where bids are considered. As an alternative, districts with an average daily attendance of 400,000 or more may choose to

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publish a notice of intent to lease the property in a newspaper of general circulation in the district. The notice must be published not less than 3 times within 15 days. A public meeting must be held not less than 15 days after publication of the notice where proposals for leasing the property will be considered. If the lease is for a period of not more than 5 days in any year, the governing board may lease the property without complying with these procedural requirements.

This bill would extend the number of days from 5 to 30 that the board could lease property without having to comply with those procedural requirements.

Ch. 99 (AB 3015) Lancaster. Banking

The Budget Act of 1989 appropriated $12,237,000 from the State Banking Fund to the State Banking Department. The Budget Act of 1989 also appropriated $216,273,000 for the support of the Department of Forestry and Fire Protection.

This bill would appropriate $29,305,000 for expenditure in the 1989–90 fiscal year.

Of that amount $1,755,000 would be from the State Banking Fund to the State Banking Department in augmentation of a budget act appropriation, for specified purposes. In addition, of that amount, $27,550,000 would be from the General Fund to the Department of Forestry and Fire Protection in augmentation of a budget act appropriation.

The bill would declare that it would go into immediate effect as an appropriation for the usual current expenses of the state.

Ch 100 (AB 1938) N. Waters. Agriculture: marketing.

(1) Existing provisions of the Foreign Market Development Export Incentive Program for California Agriculture Act, among other things, define "cooperator contributions" for purposes of funding agricultural commodity export sales project agreements.

This bill would require that specified state marketing order board funds be counted as cooperator contributions The bill also would revise the definition of agricultural commodities to include livestock fed in feedlots located in the state.

(2) The existing act provides that not more than $400,000 shall be annually appropriated in the Budget Act for the program's state administrative costs.

This bill would increase that amount to $500,000.

(3) The existing act requires an advisory committee to be established to review and make recommendations on project proposals.

This bill would require the Director of Food and Agriculture to designate the chairperson of the advisory committee.

(4) The existing act requires the director, the Director of General Services, and the advisory committee to take necessary precautions to assure the confidentiality of project proposal information, and exempts that information from the California Public Records Act.

This bill would authorize the advisory committee to hold closed sessions to discuss certain information, notwithstanding the Bagley-Keene Open Meeting Act, if the advisory committee makes a specified determination.

(5) The bill would delete a statement of legislative intent that $5,000,000 be appropriated annually for the program

(6) Existing law required the director to file a specified report with the Legislature on or before December 31, 1988, regarding the act.

This bill would instead require that report to be submitted to the chairpersons of the appropriate policy committees on December 31 of every odd-numbered year.

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

Ch. 101 (AB 2186) Murray. Local government finance: vehicle license fees.

Existing law requires the Controller to distribute a specified percentage of the vehicle license fees collected by the state to each city and city and county in the proportion that the population of each city or city and county bears to the total population of all cities and the city and county. Existing law requires, in general, that the population research unit of the Department of Finance determine the population of newly incorporated cities and those with incorporated territory, with certain exceptions. For any city incorporated after the 1980 federal census, the Controller is required, only until July 1, 1991,

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to ascertain the population by multiplying the number of registered voters by 3. For any city incorporated after January 1, 1987, the Controller is required, on and after July 1, 1991, to ascertain the population for 8 full fiscal years after incorporation by multiplying the number of registered voters by 3.

This bill would require that the population of a city be either the number of registered voters in the city multiplied by 3 or the population as determined by the population research unit of the Department of Finance pursuant to specified provisions of existing law, whichever is the greater number.

This bill would provide that in the case of unincorporated territory being annexed to such a city subsequent to the last federal census, or a subsequent census validated by the population research unit of the Department of Finance, the unit shall determine the population of the annexed territory by the use of any federal decennial or special census or any estimate prepared by the unit at the request of the city pursuant to specified provisions of the Streets and Highways Code.

This bill would also require that with respect to cities incorporated on or after January 1, 1987, and where the application for incorporation was filed with the local agency formation commission pursuant to specified provisions of existing law on or after January 1, 1991, the Controller is required to determine the city's population for its first 5 fiscal years.

Ch. 102 (AB 2745) Hannigan. Taxation: Vietnam Veterans Memorial: allocations

Existing law provides, as specified, for a Veterans Memorial Commission, for purposes of overseeing the construction of a memorial to all of California's veterans on the grounds of the State Capitol.

This bill would authorize the Veterans Memorial Commission to appoint an executive director, exempt from civil service, serving either at the pleasure of the commission or pursuant to a contract with the commission, and would specify the sources of funding for the executive director's salary and expenses. This bill would also provide that in bidding, or entering into, contracts, that the Veterans Memorial Commission is exempt from regulations and procedures established by the Department of General Services. The bill would specify that all statutes relating to state contracts and any other regulations than those adopted by the Department of General Services are applicable to contracts executed by the commission.

Existing law allows, for taxes paid and refunds payable beginning with the 1987 taxable year through the 1990 taxable year, taxpayers to designate on their tax returns that a specified amount in excess of their tax liability be transferred to the Vietnam Veterans Memorial Account in the General Fund. Existing law continuously appropriates the account, as provided, and allocates a portion of the account moneys to the Vietnam Veterans Memorial Commission for use in the construction of a Vietnam Veterans Memorial at the State Capitol. Existing law also provides that moneys in the account, in excess of amounts necessary for the construction of a Vietnam Veterans Memorial, shall be allocated to the Veterans Memorial Commission for a veterans' memorial authorized by specified provisions of the Military and Veterans Code.

This bill would provide, with regard to the amounts allocated to the Vietnam Veterans Memorial Commission, that $50,000 be allocated for the recordation of additional names upon, and the repair of, that memorial, and that any modification or alteration of, or addition to, that memorial be performed pursuant to criteria established by that commission It would require that if moneys in the account exceed amounts required to construct, improve, maintain, or repair a Vietnam Veterans Memorial, the excess shall be allocated by the Vietnam Veterans Memorial Commission for use with regard to other veterans' memorials designated by that commission. Because this bill would make moneys available for a new purpose, it would constitute an appropriation It would authorize the Veterans Memorial Commission to deposit any moneys allocated to it by the Vietnam Veterans Memorial Commission in a trust account in a private financial institution. It would also authorize the Vietnam Veterans Memorial Commission to deposit those moneys identified for the recordation of additional names upon, and the repair of, the Vietnam Veterans Memorial in a separate special account to be disbursed

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as required by the Director of Veterans Affairs.

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

Ch. 103 (SB 633) Rosenthal. Acupuncture.

Existing law provides, among other things, that an applicant for a license to practice acupuncture must provide evidence of completion of a training program, a tutorial program, or a combination of education and training for applicants who have completed their education or training outside of the United States, as specified, as a condition of licensure. The law requires the Acupuncture Committee to establish standards for approved schools, colleges, and tutorial programs offering education and training in the practice of acupuncture. The law also requires acupuncturists to complete 30 hours of continuing education as a condition of the renewal of their license.

This bill would require the committee to contract with an independent consultant to conduct an evaluation and analysis of acupuncture tutorial programs and the requirements for licensure required of foreign-trained and out-of-state applicants.

The bill would increase the continuing education requirements to 40 hours, would specify the subject matter of those requirements, would require the committee to determine the curriculum to be covered within each subject matter, would apply those requirements to all licensees who were licensed prior to January 1, 1988, and would provide that these requirements shall be operative only until January 1, 1993.

The bill would appropriate $200,000 from the Acupuncture Fund to the committee to carry out the act.

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

Ch. 104 (SB 798) Deddeh Vehicles: driver's license: fees.

(1) Existing law requires employers of drivers of certain vehicles to obtain the driver's driving record from the Department of Motor Vehicles, and in certain cases to participate in a pull notice system. The employer of a casual driver is not required to participate in the pull notice system but is required to obtain the current public driving record if the driver will operate certain vehicles.

This bill would delete certain drivers from the requirement that the current driving record be obtained, and would exclude drivers required to have a passenger transportation endorsement from the provisions relating to casual drivers.

(2) Existing law provides for the testing and licensing of drivers of motor vehicles, including commercial vehicle drivers. Under existing law, applicants for an original driver's license, or for the renewal of a driver's license or for a license to operate a different class of vehicle are required to pay the Department of Motor Vehicles a fee of $10. Under existing law, the payment of the fee entitles the person to make applications for a driver's license and to 3 examinations within a specified period.

This bill would limit the above provisions, including the specified $10 fee, to an application for an original specified noncommercial driver's license or for its renewal, and would provide for different specified fees in connection with an application for an original commercial driver's license, change of license classification, or removal of restrictions. The bill would impose a specified fee for administering a driving skill test for a commercial driver's license, following failure in taking the test.

The bill would also increase the application fees for ambulance, schoolbus, school pupil activity bus, youth bus, and paratransit vehicle driver certificates from $12 to $25 and impose a $12 renewal fee.

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

Ch 105 (SB 1048) Mello. Nutrition programs for the elderly.

Existing law provides for the Nutrition Reserve Fund, from which the Director of the Department of Aging may make loans to senior nutrition projects, to be repaid in a specified manner.

This bill would require the fund to also be used to make loans for the purpose of maintaining existing levels of supportive services for seniors provided pursuant to federal law, in order to compensate for cuts in federal funding for those services It would require that the loans be repaid with one-time-only funds, as defined, or with specified

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federal funds.

By authorizing moneys from the fund to be used for a new purpose, this bill would make an appropriation.

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

Ch. 106 (AB 211) Floyd. Polling place accessibility: handicapped voters.

Existing law authorizes, but does not require, the county clerk to undertake necessary measures in the locating of polling places to ensure that the polling places meet the requirements for accessibility by the physically handicapped specified by the State Architect.

This bill would delete the reference to requirements specified by the State Architect and would refer instead to guidelines promulgated by the Secretary of State. It would impose a state-mandated local program by requiring the county clerk to undertake the necessary measures promulgated in those guidelines.

Existing law provides that in those polling places which do not meet the requirements specified by the State Architect for accessibility by the physically handicapped, a physically handicapped person may appear outside the polling place and vote a regular ballot.

This bill would provide instead that, in those polling places which are inaccessible under the guidelines promulgated by the Secretary of State for accessibility by the physically handicapped, a physically handicapped person may appear outside the polling place and vote a regular ballot.

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

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

Ch 107 (AB 2292) Chandler. Corporations: liability of corporate directors and officers.

Existing law provides that no cause of action may be maintained against a person serving without compensation as a director or officer of a tax-exempt nonprofit corporation incorporated pursuant to specified provisions of the nonprofit corporation law organized to provide charitable, educational, scientific, social, or other forms of public service on account of any negligent act or omission by that person, as specified, without a court order, as specified. Under existing law, compensation does not include the payment of actual expenses incurred in attending meetings or otherwise in the execution of the duties of a director or officer. These provisions are repealed on January 1, 1992, as specified.

This bill would redefine compensation to mean remuneration whether by way of salary, fee, or other consideration for services rendered. However, the bill would specify that the payment of per diem, mileage, or other reimbursement expenses of a director or officer do not constitute compensation.

Under existing law, where a general liability policy is in force at the time of injury and at the time a claim is made against the corporation so that the policy is applicable to the claim, no cause of action for monetary damages arises against any person serving without compensation as a director or officer of a nonprofit corporation that is organized to provide charitable, educational, scientific, social, or other forms of public service that are tax exempt, as specified, incorporated under specified provisions of the nonprofit corporation law on account of any negligent act or omission that is, among other things, in the exercise of the director's or officer's policymaking judgment These provisions are repealed as of January 1, 1992, as specified.

This bill would instead, require that the nonprofit corporation be subject only to specified provisions of the nonprofit corporation law rather than be incorporated under those provisions.

The bill would, additionally, require a claim against a director or officer to be one that can also be made against the corporation and would provide that if a general liability policy covers damages caused by a director or officer, no cause of action shall be maintained against the director or officer It would also specify that the provision also applies

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to tax-exempt nonprofit corporations organized to provide religious or literary services.

Existing law provides that there is no personal liability to a 3rd party for monetary damages on the part of a volunteer director or volunteer executive committee officer of a nonprofit public benefit corporation or nonprofit religious corporation caused by the director's or officer's negligent act or omission in the performance of that person's duties, as specified, if certain conditions are met, including the condition that the damages are covered pursuant to a liability insurance policy, as specified, or if not covered by insurance, that the directors of the corporation and the person made all reasonable efforts in good faith to obtain available liability insurance. Existing law also provides that there is no monetary liability on the part of, and no cause of action for damages against, any volunteer director or volunteer executive committee officer of a nonprofit mutual benefit corporation based upon any alleged failure to discharge the person's duties as a director or officer if the duties are performed subject to specified criteria.

This bill would, in the above instances, remove the restriction that the officer be an executive committee officer.

The bill would also delete specified provisions applicable to nonprofit public benefit corporations concerning the liability of nonpaid directors.

Ch. 108 (AB 2557) Moore. Telephone and telegraph corporations: subscribers: personal information.

(1) Existing law prohibits telephone and telegraph corporations from disclosing certain information concerning residential subscribers without consent, except in specified instances. Among the prohibited disclosures is the disclosure of the services obtained from the corporation or from independent suppliers of information services who use the corporation's lines, but this prohibition does not apply to information transmitted between telephone or telegraph corporations pursuant to the furnishing of service between service areas. Existing law also exempts information provided an emergency service agency responding to a 911 call.

This bill would specifically exempt information transmitted between telephone or telegraph corporations pursuant to the furnishing of service between service areas from the provisions prohibiting disclosure generally. This bill would also exempt information provided an emergency service agency responding to any call communicating an imminent threat to life or property.

The bill would additionally permit the disclosure of billing information concerning the person calling which federal law or regulation requires a telephone corporation to provide to the person called.

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

Ch. 109 (AB 1748) Chandler. Land surveying.

Existing law provides that upon being licensed as a land surveyor, a licensee may obtain a seal, as specified, which, among other things, bears the title Licensed Land Surveyor.

This bill would provide that such a seal may also bear the title "Professional Land Surveyor" and that the seal may contain the expiration date of the license.

Ch. 110 (SB 1379) Leonard. Workers' compensation: change of physician.

Existing law provides that if an employee entitled to workers' compensation so requests, the employer shall provide the employee with one change of physician, or if requested by the employee, with a chiropractor.

This bill would clarify existing law by permitting the employee at any time to request that the employer tender this one-time change of physician.

This bill would state that it is declaratory of the existing law.

Ch. 111 (SB 2006) Robbins. Vehicles: abandoned: charges.

Under existing law, it is unlawful to abandon a vehicle on any highway, and a person convicted of that offense may be punished by a fine and required to pay the costs of removal and disposition of the vehicle, not to exceed those for towing and 7 days of storage.

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This bill would provide that these limitations on the costs of removal and disposition of an abandoned vehicle which a convicted person may be required to pay do not apply if the registered owner or legal owner has filed a completed "Declaration of Opposition" form with the lienholder of the vehicle, as specified.

Ch. 112 (SB 2169) Kopp. San Francisco Bay: high-speed water transit: long-range plan.

Under existing law, the Metropolitan Transportation Commission is responsible for, among other things, transportation planning for the San Francisco Bay area.

This bill would authorize the commission to develop and adopt a long-range plan, as specified, for implementing high-speed water transit on the bay.

Ch. 113 (SB 504) C. Green. Community care facilities.

Under the California Community Care Facilities Act, the State Department of Social Services licenses community care facilities, as defined. For purposes of the act, a social day care facility, as defined, is a type of community care facility.

This bill would replace the term "social day care facility" with the term "adult day support center" for purposes of the act and would make conforming changes to other provisions of law.

Ch. 114 (SB 1402) Presley. Transit services: regional transit services program.

Under existing law, county transportation commissions have various transportation planning responsibilities within their respective counties.

This bill would require the county transportation commissions for the Counties of Los Angeles, Orange, Riverside, and San Bernardino, upon the adoption of a resolution by each of those commissions subjecting it to the bill's provisions, to jointly develop, in consultation with the Southern California Association of Governments, the California Transportation Commission, the Los Angeles-San Diego Rail Corridor Agency, and the South Coast Air Quality Management District, a program for regional transit services, as defined, within the multicounty region.

Under the bill, the program would serve as the basis for a coordinated application submitted by the county transportation commissions for funds allocated by the California Transportation Commission.

The bill would require the county transportation commissions to prepare, adopt, and implement a revised regional transit services program every 2 years.

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

Ch. 115 (SB 1581) Vuich. Commercial vehicles.

(1) Existing law prohibits the operation of specified commercial motor vehicles without a valid commercial driver's license of the appropriate class and an endorsement issued by the Department of Motor Vehicles to permit the operation of those vehicles. For purposes of these provisions, a commercial motor vehicle includes a motor vehicle used in the transportation of hazardous materials.

This bill would exempt from those provisions a person with at least a class 3 or class C driver's license if the person is employed in an agricultural operation, the vehicle is controlled or operated by a farmer, and other specified requirements are met, including the payment of a specified fee. The bill would also specifically make the penalties and sanctions applicable to drivers of commercial motor vehicles applicable to drivers subject to the bill. The Department of Motor Vehicles would be authorized to establish implementation dates for the bill.

Since violations of the Vehicle Code are, generally, crimes, the bill would impose a state-mandated local program by creating and changing the definition of crimes.

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

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

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

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Ch. 116 (AB 520) Klehs. Sales and use tax: exemptions: school-sponsored youth groups.

The existing California Sales and Use Tax Law exempts from the tax imposed by that law food products, nonalcoholic beverages, and other tangible personal property which are sold on an irregular or intermittent basis by any nonprofit organization, youth group sponsored by a school district, or other organization the primary purpose of which is to provide a supervised program for youth or to promote good citizenship in youth, as specified, and which are made or produced by members of the organization. It expressly limits the exemption to enumerated specified organizations.

This bill would not limit the exemption to the enumerated specified organizations and would include among those organizations any youth group sponsored by or affiliated with a qualified educational institution, as defined, including any student activity club, athletic group, or musical group, as specified. It would define the term "irregular or intermittent" for purposes of those provisions. It would also make a legislative finding and declaration regarding specified provisions relating to youth groups.

The existing Sales and Use Tax Law also provides, until January 1, 1992, that any youth organization that is not among the enumerated specified organizations, but is otherwise described in the statute providing the exemption, shall be deemed a consumer under that statute if the State Board of Equalization approves a written request filed by the youth organization.

This bill would repeal those provisions.

Counties and cities are authorized to impose local sales and use taxes in conformity with state sales and use taxes. Exemptions from state sales and use taxes enacted by the Legislature are automatically incorporated into the local taxes.

Section 2230 of the Revenue and Taxation Code provides that the state will reimburse counties and cities for revenue losses caused by the enactment of sales and use tax exemptions.

This bill would provide that no appropriation is made and the state shall not reimburse local agencies for sales and use tax revenues lost by them pursuant to this bill.

This bill would take effect immediately as a tax levy.

Ch. 117 (AB 574) Harvey. Bail: controlled substances.

Existing law provides for the release on bail of persons accused of crimes, as specified.

This bill would provide that whenever a defendant has been arrested for certain controlled substance offenses and is on probation for a violation of one of those controlled substance offenses, or where other allegations concerning controlled substance offenses, as specified, may be pleaded and proven, and a peace officer has reasonable cause to believe that the consideration, pledge, security, deposit, or indemnification paid, given, made, or promised for bail was feloniously obtained, the peace officer is required to prepare a declaration under penalty of perjury, as specified, with a magistrate requesting an order denying bail.

This bill would also provide that the defendant subject to these provisions may make an application to a magistrate for release on bail The bill would authorize the magistrate to deny release on bail pending a hearing. The bill would further provide that the defendant would be entitled to release on posting the amount of bail, as specified, if after the application for release is made, no order granting or denying bail is issued within 8 hours after booking. To the extent that the bill would increase the level of service of local peace officers, the bill would impose a state-mandated local program. This bill would also provide that willful misrepresentation to the court of the source of bail is cause for increasing the bail, as specified.

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

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,-

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

Ch. 118 (AB 812) Campbell. Special education: local plan areas: contracts for services.

Existing law authorizes a school district, special education local plan area, or county office of education to contract with a nonpublic, nonsectarian school for special education services when no appropriate public education program is available, as specified. Existing law also directs the Superintendent of Public Instruction to apportion state funds to those public educational entities to fund certain costs incurred under those contracts.

This bill would authorize the Superintendent of Public Instruction to conduct a pilot program for the 1990–91, 1991–92, and 1992–93 fiscal years to enable and encourage up to 10 selected school districts and county offices of education willing to participate, either individually or through special education local plan areas, to establish programs in public schools for individuals with exceptional needs who are currently placed in nonpublic, nonsectarian schools. This bill would also direct the superintendent to apportion to the selected districts and county offices certain funding for this purpose, calculated on the basis of the amount of funding allocated to the special education local plan area in those districts and county offices in the 1989–90 fiscal year for those pupils while placed in nonpublic, nonsectarian schools, to be used solely for the purposes of providing special education programs.

This bill would require the superintendent to ensure that the local application includes specified information and that there be a sampling of multiple sizes of school districts and county offices of education and a diverse sampling of local education agencies.

This bill would require that the Superintendent of Public Instruction evaluate the pilot program and report to the Legislature by January 1, 1994, as specified.

This bill would declare that these provisions would be repealed as of September 1, 1995.

Ch. 119 (AB 2104) Sher. Income taxes: exempt income: management company.

Under the existing Personal Income Tax Law, a management company, or a series of that company, is qualified to pay exempt-interest dividends to its shareholders if, at the close of each quarter of its taxable year, at least 50% of the value of its total assets consists of either (1) obligations, interest on which is exempt from taxation under the Constitution or laws of this state, or (2) obligations of the United States which pay interest excludable from income under the Constitution or laws of the United States.

This bill would instead authorize a management company, or a series of that company, to pay exempt-interest dividends to its shareholders if, at the close of each quarter of its taxable year, at least 50% of the value of its total assets consists of obligations which, when held by an individual, the interest therefrom is exempt from taxation under the Constitution or laws of this state or of the United States.

This bill would take effect immediately as a tax levy.

Ch. 120 (AB 2914) Hauser. Salmon: sportfishing: commercial fishing vessels.

(1) Existing law prohibits the taking of salmon for sport purposes on a vessel for which a commercial salmon fishing vessel permit has been issued, except a vessel operating under a commercial passenger fishing vessel license on a day when the vessel is not used as a commercial fishing vessel.

This bill would also exempt from that prohibition the taking of salmon from a permitted vessel for sport purposes under a sportfishing or a sport ocean fishing license, as specified, 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.

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

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Ch. 121 (SB 400) Mello. Alzheimer's day care-resource centers.

Under the Alzheimer's Day Care-Resource Centers Act, the Department of Aging administers a grants-in-aid program for the establishment of Alzheimer's day care-resource centers, which becomes inoperative on July 1, 1991, and is repealed as of January 1, 1992.

This bill would instead make the program inoperative on July 1, 1995, and would repeal the program as of January 1, 1996.

Ch. 122 (SB 285) Watson. Birth defects.

Under existing law, the State Department of Health Services is authorized to administer a birth defects monitoring program and to establish a system for the collection of information from general acute care hospitals. Existing law requires that the records derived from this system be made available only to authorized program staff and others determined, as specified, to have a valid scientific interest and to be engaged in certain health studies.

This bill would require the department to maintain an ongoing program of monitoring birth defects, as defined, statewide.

The bill would require the department to maintain a system for the collection of specified information from health facilities, as defined, which is necessary to accomplish the purposes of the program.

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

Ch. 123 (AB 2668) Kelley. Fruit, nut, and vegetable standards.

Existing law provides for quality, maturity, and packing standards for designated fruits, nuts, or vegetables that are shipped or offered for sale in this state and provides for civil fines and remedies and criminal penalties for violating these provisions.

This bill would require that any action for any civil penalty or other civil remedy provided for under these provisions be commenced within 3 years from the date of the alleged violation.

Ch. 124 (AB 2772) Hannigan. Alcoholic beverages: advertising space.

Existing law generally restricts certain alcoholic beverage licensees, including manufacturers and winegrowers, from paying, crediting, or compensating a retailer for advertising in connection with the advertising and sale of distilled spirits. Existing law permits, however, the holder of a beer manufacturer's or winegrower's license to purchase advertising space and time from, or on behalf of, an on-sale retail licensee who is the owner of a fully enclosed auditorium or theater with a fixed seating capacity in excess of 6,000 seats, at least 60% of the use of which is for plays or musical concerts, not including sporting events.

This bill would also permit a beer manufacturer or winegrower to purchase advertising space and time from, or on behalf of, an on-sale retail licensee who is the owner of a stadium with a fixed seating capacity in excess of 3,000 seats, during the use of the stadium for an annual water ski show.

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

Ch. 125 (SB 1759) Beverly. Commercial law: funds transfers.

Existing provisions of the Commercial Code contain provisions governing methods for the transfer of money between persons, including provisions relating to commercial paper and letters of credit.

This bill would add provisions to the Commercial Code to govern funds transfers. The bill would define "funds transfer" as the series of transactions, beginning with an originator's payment order, made for the purpose of making payment to the beneficiary of the order. The bill would define "payment order" as an instruction of a sender to a receiving bank to pay, or cause another bank to pay, money to a beneficiary, as specified. The funds transfer would be completed by acceptance by the beneficiary's bank of a payment order for the benefit of the beneficiary or the originator's payment order. The bill would exclude from its provisions any transactions governed by the federal Electronic Fund Transfer Act of 1978.

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The bill would set forth comprehensive provisions governing the issuance and acceptance of payment orders, requirements for verification, the effect of errors, the effect of acceptance of a payment order, and related provisions. The bill would provide that it would apply only to a funds transfer in which the originator's payment order was transmitted on or after January 1, 1991.

Ch. 126 (SB 124) Garamendi. Property taxation.

(1) Under existing property tax law, duplicate provisions require that the affidavit for the property tax exemption for aircraft of historical significance show that both the property and the owner meet all the requirements entitling the property to the exemption.

This bill would delete one of the duplicate provisions.

(2) Under existing property tax law, an error or an omission in the determination of the base year value of real property, including the failure to establish that base year value, which involves the exercise of an assessor's judgment as to value, may be corrected only if it is placed on the current roll or the roll being prepared within 4 years after July 1 of the assessment year for which the base year value was first established.

This bill would provide that this 4-year limitation also applies to errors or omissions regarding the establishment of base year values involving the assessor's judgment which can be corrected without reflecting the change on the current roll or the roll being prepared.

(3) Under existing property tax law, a "change in ownership" of real property subjecting it to reassessment does not include the purchase or transfer of a principal residence between parents and their children or the purchase or transfer of the first $1,000,000 of full cash value of all other real property between parents and their children. Eligibility for this exclusion requires the filing of a claim of eligibility by the transferee and each assessor is required to report quarterly to the State Board of Equalization all purchases and transfers, other than those involving a principal residence, for which a claim for exclusion is made. The assessor's report is required to include, among other things, the tax identification number of each eligible transferor; however, no provision is made for requiring that this tax identification number be furnished by the claimant transferee in his or her claim for the exclusion.

This bill would require each claim for the exclusion involving the purchase or transfer of real property other than the transferor's principal residence to include the social security number of each eligible transferor.

(4) Under existing property tax law, the imposition of a penalty assessment is permitted whenever a state assessee, after a request by the State Board of Equalization, fails to file a property statement for property that has escaped assessment. However, no provision is made for the time by which the statement must be filed to avoid the potential imposition of the penalty assessment.

This bill would establish a deadline of March 1 if a board request is mailed before January 1 following the lien date and a deadline of 60 days from the date of mailing of the board's request if the board request is mailed thereafter.

(5) Under existing property tax law, applications to the State Board of Equalization for its review, equalization, or adjustment of county assessments of property owned by a local government outside its boundaries are required to be filed within prescribed time limits. If the assessment objected to is made outside the regular period for those assessments, the application is required to be filed with the board within 2 weeks from the date the tax bill is mailed to the assessee. In addition, under existing property tax law, no express provision is made regarding a bar to further relief on this matter if an application to the board is not timely made.

This bill would require that an application to the board for its review of those assessments made outside the regular period for those assessments be filed within 60 days, rather than 2 weeks, from the date the tax bill is mailed to the assessee. This bill would also expressly provide that a failure to file a timely application with the board in connection with assessments of local government property bars the applicant from further relief.

(6) Existing law provides that the county auditor, upon recommendation of the coun-

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ty tax collector, may cancel any tax assessment, special district tax, or special assessment if the amount is so small as not to justify the cost of collection, except that any amount canceled shall not exceed $10.

This bill would provide that the county auditor's authorization to cancel amounts not justifying the cost of collection be increased to include amounts of all taxes due per parcel not exceeding $20.

(7) Existing law requires that an application for a reduction in an assessment made outside of the regular assessment period shall be filed no later than 60 days after the date on which the assessee was notified of the assessment. Existing law imposes a similar filing deadline for an appeal of a supplemental assessment, except that in a specified county, the applicable filing deadline is no later than 60 days after the date of the mailing of the supplemental tax bill.

This bill would permit all counties, upon the adoption of a resolution, to revise the filing deadline for applications for a reduction in assessments made outside of the regular assessment period and for appeals of supplemental assessments to a date no later than 60 days after the date of mailing of the tax bill. This bill would make this filing deadline mandatory in a county of the first class.

(8) Existing law provides that property taxpayers may pay escape property taxes in installments, as specified, where the county's error has caused the escape. Existing law further provides that county tax collectors may file certificates of lien.

This bill would clarify the authorization for county tax collectors to file certificates of lien regarding escape property taxes, caused by the county's error, being paid in installments. This bill would further require that the tax collector also file a release of lien regarding those escape taxes.

(9) Existing law requires escape assessments resulting from a failure to file a change in ownership statement to be entered on the unsecured roll if the property, prior to the date of assessment, was transferred or conveyed to a bona fide purchaser for value or became subject to a lien of a bona fide encumbrance for value.

This bill would authorize the addition of interest to the amount of these escape assessments.

(10) Existing law provides that a county board of supervisors may by resolution establish cash difference and overage funds for the use, as specified, of county officers, administrative heads of county departments, and judicial districts handling county funds.

This bill would authorize a county, by resolution of the board of supervisors, to provide for a cash difference fund to be used to increase the amount tendered to the county for the payment of any tax, assessments, penalty, cost, or interest due and owing the county, when a difference of $10 or less exists. This bill would provide that the fund be maintained, expended, and replenished through cash difference and cash overage accounts maintained in the county accounting system.

(11) Existing law does not authorize a tax collector to apply refunds due a taxpayer to delinquent property taxes for which that same taxpayer is liable.

This bill would authorize, as specified, tax collectors to apply the amounts of refunds due to a particular taxpayer to the payment of delinquent taxes on the same property owed by the same taxpayer.

(12) Existing law makes no provision for the pro rata payment of property taxes by an individual owning an undivided interest in a property subject to tax.

This bill would allow a tax collector, upon determining that an assessee on the unsecured roll has an undivided interest in assessed property and upon the assessee's request, to accept payment of property taxes on a pro rata basis.

(13) Existing law provides for the destruction of certain property tax records, at least 5 or 12 years old as specified, upon order of the county board of supervisors and, except in the case of redemption certificates, upon certification by the county auditor.

This bill would shorten or eliminate the period required prior to destruction of those property tax records, but would further condition destruction of those records earlier on the creation of a certified permanent record of the destroyed matter on substitute media which will be retained for the period currently applicable to the original docu-

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ment. This bill would also permit the destruction of the substitute media after the expiration of the applicable period of retention.

(14) Existing law provides that a county may sue a taxpayer in its own name for the recovery of delinquent unsecured taxes and assessments, penalties, and costs.

This bill would provide, for purposes of suit to recover unsecured amounts, that a taxpayer include general partners of a partnership assessee, persons who have assumed tax liability by contract or lease, and persons who are the alter ego or successor in interest of a corporate assessee.

(15) Existing law requires the dismissal of property tax refund actions unless the summons shall have been issued and served and the return thereon made within one year of the commencement of the action, except where the parties have filed a written stipulation that the time may be extended.

This bill would establish an additional exception from the required dismissal of refund actions where the party against whom the action is prosecuted has made a general appearance in the action. This bill would enumerate specified procedural actions taken by that party which do not constitute a general appearance.

(16) Under existing property tax law, the base year value of a mobilehome subject to property taxation is its full cash value on the lien date for the fiscal year in which it is first enrolled.

This bill would delete in the relevant provisions obsolete references to mobilehomes for which the license fees are delinquent.

(17) This bill would also make administrative and clarifying changes in the collection and payment of property taxes.

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

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

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

Ch. 127 (SB 1779) Rosenthal. Consumer warranties.

Existing law requires that service contracts on a new or used home appliance or home electronic product, as defined, meet certain requirements and contain specified information.

This bill would apply these requirements to service contracts on other new or used products entered into on or after July 1, 1991.

Ch. 128 (SB 1949) Rogers. Geologic Hazard Abatement Districts

Under existing law, the creation of Geologic Hazard Abatement Districts to address conditions arising from an actual or threatened earthquake is authorized.

Under existing law, notification of hearings on petitions initiating proceedings for formation of a district is required to be by certified mail, with return receipt requested, to all owners of real property to be included within the proposed district.

This bill would, instead, provide for notification by first-class mail, as specified.

Ch. 129 (SB 2014) Killea. County water authorities: charges.

Under existing law, a county water authority is authorized to establish water standby charges and connection or capacity charges in accordance with prescribed procedures.

This bill would require a judicial proceeding to challenge an ordinance establishing those charges to be commenced within 120 days and would specify related matters.

Ch. 130 (SB 2188) Royce. Adoption: foster parent or parents.

Existing law specifies that if any child has been in foster care for a period of more than 4 months, the child has substantial emotional ties to the foster parent or parents, the child's removal from the foster parent or parents would be seriously detrimental to the child's well-being, and the foster parent or parents make a written request to be consid-

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ered to adopt the child, the foster parent or parents shall be considered along with all other prospective adoptive families to adopt the child. The State Department of Social Services or agency making the placement is required to take into consideration any relevant facts that it deems necessary and the decision of the department or agency regarding adoptive placement of the child is presumed to be in the child's best interest but may be rebutted in an action filed by the foster parent or parents, as specified.

This bill would specify that the above-described provision does not apply to a child who has been adjudged to be a dependent of the juvenile court.

Ch. 131 (SB 2356) Maddy. Horseracing: satellite wagering.

Existing provisions of the Horse Racing Law provide for the regulation of horseracing and wagering thereon, including wagering at satellite facilities.

This bill would revise and restate, with technical changes, various satellite wagering provisions. The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 132 (AB 2761) Hauser. American Indians.[3]

Under existing law, various programs are established in the Office of Criminal Justice Planning, including such programs as the Gang Violence Suppression Program and the California Career Criminal Apprehension Program.

This bill would establish the Rural Indian Crime Prevention Program in the Office of Criminal Justice Planning which would be a program of financial and technical assistance for local law enforcement. The purpose of the program would be to encourage and strengthen cooperative efforts between law enforcement and Native American communities and to implement crime suppression and prevention programs. The bill would require the Executive Director of the office to allocate and award funds to local units of government in which special programs in law enforcement agencies are established pursuant to specified criteria. Additionally, the Rural Indian and Law Enforcement Local Advisory Committee would be established, with specified membership to be designated by the executive director, to consult in the development of criteria for the selection of agencies to receive funding. The bill would state that it is the intent of the Legislature that funds for the program be appropriated in the annual Budget Act.

In addition, the bill would appropriate $35,000 from the General Fund for purposes of implementing this act for the period commencing April 1, 1990, and ending June 30, 1990.

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

Ch. 133 (AB 1061) Felando. Dentistry.

Existing law provides that a person who has been issued a degree of doctor of dental medicine or doctor of dental surgery by a foreign dental school listed by the World Health Organization or by a foreign dental school approved by the Board of Dental Examiners shall be eligible for an examination for a license to practice dentistry, as specified.

This bill would delete the requirement that the foreign dental school be listed by the World Health Organization or be approved by the board.

Ch. 134 (SB 2070) Royce. County budgets.

Existing law requires the board of supervisors of each county to begin public hearings on the proposed county budget on or before August 20 of each year and to adopt a budget not later than August 30 of each year.

This bill would permit the board to extend the dates and time periods relating to the budget hearings and proceedings, as specified.

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

Ch. 135 (AB 645) Floyd. Alcoholic beverages: beer: tied-house restrictions.

(1) Existing law prohibits any retail alcoholic beverage licensee from dispensing draught beer upon which the proper tap sign or draught beer sign is not displayed or the manufacturer or bottler of which has not complied with specified labeling and filing

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requirements.

This bill would authorize the Department of Alcoholic Beverage Control to seize and dispose any draught beer displayed to the public in violation of that provision.

(2) Existing law authorizes the Department of Alcoholic Beverage Control to seize wine labeled in violation of provisions of law regulating the labeling of California central coast dry wine. The law authorizes the department to dispose of seized property by destruction or otherwise, as specified.

This bill would specifically provide that the wine seized in violation of the above provision may be disposed of by the department.

(3) Existing law makes it unlawful for any person, with the intent to defraud, to either falsely make, alter, forge, or counterfeit the label for any wine or use the label or bottle of any wine belonging to another, without his or her consent.

This bill would authorize the Department of Alcoholic Beverage Control to seize and dispose of any wine labeled in violation of that provision, regardless of where found.

(4) Existing law generally prohibits a manufacturer, winegrower, manufacturer's agent, California winegrower's agent, rectifier, distiller, bottler, importer, or wholesaler from, among other things, holding the ownership, directly or indirectly, of any interest in any on-sale or off-sale license. Exempted from these provisions, however, is the issuance or transfer of any retail on-sale or off-sale license to any person with respect to premises which are an integral part of the operation of a hotel or motel which, among other things, consists of not less than 150 guestrooms, and is owned by, or operated by or on behalf of, the licensee notwithstanding that any of those persons has any interest, directly or indirectly, in the premises, in the retail license, or in the retail licensee.

This bill would instead require that the hotel or motel consist of not less than 100 guestroom accommodations.

Ch. 136 (SB 1903) Robbins. Commission on Judicial Appointments: appointments: effective date.

Existing provisions of the California Constitution provide that a nomination or appointment by the Governor to the Supreme Court or a court of appeal is effective when confirmed by the Commission on Judicial Appointments. Existing statutory law specifies that a confirmation by the Commission on Judicial Appointments is effective when filed in writing with the Secretary of State.

This bill would provide that a confirmation by the Commission on Judicial Appointments is effective when the confirmation is adopted by the commission but would require the commission to promptly file written notice of the confirmation with the Secretary of State.

Ch. 137 (SB 1945) Killea. Local government: public buildings.

Existing law requires the board of supervisors of a county which decides to go out to bid to construct a county building, expand an existing building, or enter into a lease of an existing building within the incorporated territory of a city, to notify the city clerk in writing at least 60 days prior to going to bid or entering into a lease.

This bill would waive that requirement if the city council consents, by resolution, thereto.

Ch. 138 (AB 1841) Frizzelle. Health care service plans.

Existing law requires health care service plans to establish procedures for the continuous review of the quality of care, performance of medical personnel, utilization of services and facilities, and cost. Existing law exempts from liability any person who participates in quality of care or utilization reviews by peer review committees which are composed chiefly of physicians and surgeons or dentists or optometrists.

This bill would add psychologists to those review committees with respect to the exemption from liability.

Ch. 139 (SB 1174) Royce. Social services: asset verification.

(1) Existing law provides that the State Department of Social Services shall annually inform the Franchise Tax Board of the names and social security numbers of all appli-

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cants for, or recipients of, public social services benefits. Existing law further requires the Franchise Tax Board to inform the department of any applicant or recipient who received any interest and dividends within the prior calendar year and the amount of the interest and dividends, and to provide specified identifying information, including the payer's name or federal employer identification number. Existing law also requires the department to utilize board records to match interest and dividends against the reported income of applicants for, and recipients of, public social services benefits.

This bill would also require the State Department of Health Services to annually inform the Franchise Tax Board of the names and social security numbers of applicants and recipients under specified programs. This bill would authorize the board to inform the State Department of Health Services and the State Department of Social Services of applicants or recipients receiving unearned income, and the amount and type of the unearned income, and to provide those departments with specified identifying information, including both the payer's name and federal employer identification number. This bill would also require those departments to utilize board records to match unearned income against the reported income of benefit applicants and recipients.

(2) The bill would also provide that the above requirements shall be implemented only to the extent they are funded in the annual Budget Act.

(3) This bill would, in addition, require the State Department of Social Services and the State Department of Health Services to conduct a study to assess the impact of the provisions of the bill on county administrative costs. The State Department of Social Services and the State Department of Health Services, in consultation with the County Welfare Directors Association would be required to evaluate the results of the study and report to the Joint Legislative Budget Committee on the program and fiscal impact, and the other provisions of the bill would not become operative until the report is submitted.

(4) The bill would prohibit the State Department of Health Services from transferring any new asset verification responsibilities resulting from this bill to counties

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

Ch. 140 (SB 1855) Beverly. Probate: creditors of a decedent.

Existing law establishes the rights of creditors of a decedent.

This bill would revise various provisions relating to the statute of limitations on claims against a decedent's estate, the treatment of late claims, claims governed by special statutes, and liability for a decedent's debts. The bill would also make certain similar changes in provisions of the new Probate Code proposed by AB 759, contingent upon its prior enactment.

Ch. 141 (AB 1724) Friedman. AIDS: HIV drug treatment.

(1) Existing law requires the State Director of Health Services, to the extent that certain funding is provided, to establish a program to provide drug treatments to persons infected with human immunodeficiency virus (HIV), the etiologic virus of acquired immune deficiency syndrome. Existing law also requires the State Department of Health Services to establish uniform standards of financial eligibility for the drugs and to establish a repayment schedule to determine the repayment obligation of a person receiving drugs

This bill would require the State Department of Health Services to advise a person of the right to request a reconsideration of a repayment determination, as prescribed, and would require the department to reconsider the determination under certain circumstances. The bill also would authorize the department to exempt a person from the repayment obligation if specified criteria are satisfied.

(2) Existing law further requires that any person deemed eligible under the HIV drug treatment subsidy program, in existence as of the date the statute adding the above program becomes operative to be deemed eligible for benefits under the program.

This bill would repeal the above, and would instead provide that, (a) effective on the date the department begins implementing the above program, a person determined eligible for benefits shall be subject to the repayment obligation, (b) persons who are receiving benefits under a HIV drug treatment subsidy program administered by the department on the day prior to the date the department begins implementing the above

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program shall not be subject to the repayment obligation, and (c), notwithstanding (b), if any person is disenrolled from eligibility in a HIV drug treatment subsidy program administered by the department for any reason after the date the department begins implementing the above program, the subsequent enrollment of that person for benefits under that program shall be in accordance with the repayment obligation.

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

Ch. 142 (AB 3146) Harvey. County employee retirement: benefits.

The County Employees Retirement Law of 1937 defines the term "compensation" for purposes of benefit calculations.

This bill would exclude employer payments to, or on behalf of, their employees who have elected flexible benefits programs in counties which elect to be subject to the provision.

Ch. 143 (SB 1261) Bergeson. Solid waste: California Integrated Waste Management Board: salaries.

Chapter 1095 of the Statutes of 1989 recodified substantially all of the statutes relating to solid waste into the Public Resources Code and prescribed a new California Integrated Waste Management Board to administer the new law. That statute contained a clause subordinating its repeal of provisions of Title 7.3 (commencing with Section 66700) of the Government Code to any other act which became effective on or before January 1, 1990. The salary provisions for the members of the board, as provided in Chapter 1095, were superseded by Chapter 1250 of the Statutes of 1989, and did not become operative.

This bill would provide a salary of $81,635, as adjusted, for the chairperson and each member of the board. The bill would also repeal the obsolete provision for the salary for the chairperson of the former California Waste Management Board.

Ch. 144 (SB 2022) Doolittle. Common interest developments: disclosures.

Existing law requires that a prospective purchaser, prior to execution of a binding contract or agreement for the sale or lease of any lot or parcel in a subdivision, be given a copy of the public report of the Real Estate Commissioner, when issued, concerning the subdivision. Existing law also requires the owner, subdivider, or agent who is required to provide the public report with respect to a real estate development to give the prospective purchaser a copy of a specified statement of common interest development general information.

This bill would require, at the same time that a public report of the commissioner is required to be given by the owner, subdivider, or agent with respect to a common interest development, as defined, rather than a real estate development, that the owner, subdivider, or agent give the prospective purchaser a copy of the statement of common interest development general information.

Existing law requires any person offering to sell or lease any interest subject to the requirement of providing the commissioner's public report on the subdivision to make specified documents available for examination by a prospective purchaser or lessee, as specified. Among those documents are the current financial statement and related statements.

This bill would correct an obsolete reference to those financial and related statements.

Ch. 145 (AB 1820) Sher. Integrated waste management.

(1) This bill would change the findings of the Legislature relating to the Integrated Solid Waste Management Act of 1989 and its purpose; would redefine "source reduction," and "compost," for the purposes of that act; would change the conflict-of-interest provisions for members of the California Integrated Waste Management Board; would deem approved a contract entered into by the board for a specified purpose, if the board fails to disapprove that contract by a specified date; would require the Governor to appoint one adviser for each member of the board, upon the recommendation of each board member instead of upon the request of the board member; would authorize the board to appoint committees of 3, instead of 4, members of the board for specified purposes; would change the content of the city and county source reduction, compost-

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ing, waste characterization and solid waste facility capacity components of the city and the county source reduction and recycling elements incorporated into the countywide integrated waste management plans under the act; would require that the city and county waste characterization components of a source reduction and recycling element, and subsequent revisions thereto, contain specified information; would change the date that the counties are required to prepare and adopt the county source reduction and recycling elements from January 1, 1991 to July 1, 1991, but would authorize exceptions to the deadline; would require the special waste component source reduction and recycling elements of cities and counties to address the disposition of the sewage sludge generated in the jurisdiction of the city or county.

(2) The bill would also require the board to make a specified study relating to sewage sludge and to report thereon to the Legislature on or before March 1, 1991; would change the date before which sludge is not to be considered to be a solid waste for purposes of determining amounts of solid waste recycled or source reduced; would include as a condition under which the board may reduce the 25% and 50% goals for a city or county which uses transformation to dispose of solid waste, as specified, to the repayment of debt to refinance the transformation project, as specified; and would make technical changes to that act. The bill would revise the materials which are included as solid waste for the purpose of determining the base amount of solid waste from which city and county source reduction, recycling, and composting levels are required to be calculated and would revise a list of materials which are excluded as solid waste for that purpose. The bill would require the State Board of Equalization to bill in a specified manner prescribed solid waste landfill operators who are required to pay a quarterly fee to the state board.

(3) The bill would create the Integrated Waste Management Fund in the State Treasury, would require any reference to the Solid Waste Management Fund to be, instead, to the new fund, and would amend and supplement the Budget Act of 1989 to appropriate $616,000 from the Integrated Waste Management Account in that new fund, with $116,000 to be allocated to the State Board of Equalization and $500,000 to be allocated to the California Integrated Waste Management Board to carry out the Integrated Waste Management Act of 1989, as specified.

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

Ch. 146 (AB 2555) Quackenbush. Prisoners: work release.

Existing law permits a board of supervisors of a county to authorize the sheriff or head of a county correctional facility to offer a voluntary program in which a person committed to that correctional facility performs labor on levees, public works, and ways in lieu of confinement in a county facility.

This bill would authorize the sheriff or head of a county correctional facility to offer persons committed to that facility participation in education, vocational training or substance abuse programs in lieu of time in the work release program giving those participants credit on an hour-for-hour basis up to ½ of the maximum hours of the work release program established by that facility.

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

Ch. 147 (AB 2740) Cortese. Santa Clara County Transit District: authorized facilities.

The existing Santa Clara County Transit District Act authorizes the Santa Clara County Transit District, generally, to acquire or construct and operate transit and related facilities and other structures necessary or convenient to provide public access to transit service.

This bill would specifically authorize the district to acquire or construct and operate a day care center and related child care facilities as a facility which is necessary or convenient to provide public access to transit service. The bill would prohibit the district from using state transportation funds for these purposes.

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Ch. 148 (AB 2748) Seastrand. Prisoners: release.

Existing law requires the Board of Prison Terms or the Department of Corrections, when releasing an inmate on parole, to return the inmate to the county from which he or she was committed, as defined, except as specified.

This bill would provide that the term "county from which he or she was committed" shall not be construed to mean the county wherein the inmate committed an offense while confined in a state prison facility or while confined for treatment in a state hospital.

Ch. 149 (AB 2986) Quackenbush. Trade secrets: protective orders and closed criminal proceedings.

Under existing law, the owner of a trade secret or the owner's agent or employee may claim a privilege to refuse to disclose the trade secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work an injustice.

This bill, in addition, would authorize a court to issue a protective order protecting trade secret information whenever the owner of a trade secret asserts his or her trade secret privilege during a criminal proceeding, as specified.

Under existing law, criminal proceedings must be open to the public.

This bill would provide for closing those portions of a criminal proceeding necessary to prevent disclosure of trade secrets, pursuant to specified procedures.

Ch. 150 (AB 3124) Harvey. Air pollution: districts: hearing boards.

Existing law relating to hearing boards appointed by air pollution control districts and air quality management districts in districts with a population of less than 500,000 allows the appointment of any person to fill a vacancy if a qualified person is unavailable, and allows a single member of the hearing board to hear applications for modification of a variance with a schedule of increments of progress.

This bill would apply those procedures to districts with a population of less than 750,000.

Ch. 151 (AB 3125) Hannigan. Vallejo sanitation and flood control: trustees.

Under existing law, the Vallejo Sanitation and Flood Control District is governed by 5 trustees, 2 of which are Vallejo City Councilmembers and 2 of which are members of the Board of Supervisors of the County of Solano.

This bill would require that the 2 county supervisors be representatives of specified supervisorial districts, but would prohibit a supervisor who is not a resident of the district at the time of election from taking office as a trustee. The bill would, in that event, require the other trustees to appoint a member at large to fill the vacancy in accordance with prescribed procedures. The bill would make related changes.

Ch. 152 (AB 3180) N. Waters. Recreation and park districts: directors' compensation.

Under existing law, each member of a recreation and park district board of directors may receive a sum as may be fixed by the board, not exceeding $100 for each meeting of the board attended by the member, and not exceeding 2 board meetings in any calendar month.

This bill would limit compensation to $500 in any calendar month, and to $100 per day for each attendance at a meeting, as defined.

Ch. 153 (AB 3524) Costa. Local government: Madera County: public administrator.

Existing law requires specified county offices, including the district attorney and public administrator, to be elective offices unless the voters of the county adopt a proposal making an office appointive. Other county offices are appointive. Special authorization is given the board of supervisors of Mendocino County and Lake County to adopt an ordinance making the office of public administrator appointive, to appoint the same person to the offices of public administrator, veteran service officer, and public guardian, and to separate the consolidated offices of district attorney and public adminis-

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trator at any time in order to make these appointments.

This bill would extend to the board of supervisors of Madera County the same authority possessed by the boards of supervisors of Mendocino County and Lake County.

The bill would make a legislative finding concerning the necessity of a special act.

Ch. 154 (AB 3943) Farr. Monterey Peninsula Airport District: bids for improvements and repairs.

Under existing law relating to the Monterey Peninsula Airport District, contracts for the erection, construction, improvement, and repair of district property are required to be awarded to the lowest responsible bidder when the expenditure exceeds $2,500.

This bill would increase that amount to $5,000.

Ch. 155 (AB 2562) Seastrand. Homestead exemption.

Under existing law, a homestead or a specified portion of the value thereof is exempt from execution to satisfy a judgment debt. Under existing law, the general homestead exemption is $30,000. However, if the judgment debtor or spouse of the judgment debtor who resides in the homestead is at the time of the attempted sale a member of a family unit and there is at least one member of the family unit who owns no interest in the homestead or whose only interest in the homestead is a community property interest with the judgment debtor, the homestead exemption is $45,000. Existing law also provides a $75,000 homestead exemption if the judgment debtor or his or her spouse who resides in the homestead is, at the time of the attempted sale of the homestead, a person 65 years of age or older, a person physically or mentally disabled, as specified, or a person 55 years of age or older in certain limited circumstances.

This bill would increase these homestead exemptions to $50,000, $75,000, and $100,000, respectively.

Ch. 156 (AB 2551) Quackenbush. Criminal prosecution: jurisdiction of offenses.

Under existing law, when property is taken in one jurisdictional territory by burglary, robbery, theft, or embezzlement and taken into another, or when the property is received in one jurisdictional territory with the knowledge that it has been stolen or embezzled and the property was stolen or embezzled in another jurisdictional territory, jurisdiction of the offense is in any competent court within either jurisdictional territory.

This bill would also provide for jurisdiction in any contiguous jurisdictional territory if the arrest for the offense is made within the contiguous territory, the prosecution secures on the record the defendant's knowing, voluntary, and intelligent waiver of the right of vicinage, and the defendant is charged with one or more property crimes in the arresting territory.

Ch. 157 (AB 2728) Lancaster. Financial institutions: variable interest rate loans.

Existing law imposes requirements relating to the contents of mortgage contracts, deeds of trust, real estate sales contracts, or any note or negotiable instrument issued in connection with any of these documents used to finance the purchase or construction of real property containing 4 or fewer residential units or on which 4 or fewer residential units are to be constructed when the security document or evidence of debt provide for a variable rate of interest.

Existing law also specifies that the requirements relating to those instruments do not apply to supervised financial organizations, as defined.

This bill would revise the definition of "supervised financial institution" for those purposes. The bill would also state that it applies to any security document or evidence of debt issued on or after January 1, 1990.

Ch. 158 (AB 2777) Hannigan. Solano County: registrar of voters.

Under existing law, various duties pertaining to elections are performed by the county clerk. The county clerk is an elective office, unless the voters of the county have approved a proposal to make the office appointive. A county may also provide for an office of registrar of voters.

The law presently provides that in Monterey, Riverside, and San Joaquin Counties, a

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registrar of voters may be appointed by the county board of supervisors, to discharge all duties vested by law in the county clerk which relate to, and are part of, the election procedure.

This bill would extend similar authority to Solano County.

Ch. 159 (AB 2796) Hannigan. County offices: consolidation.

Existing law authorizes the board of supervisors of specified counties to consolidate the duties of designated county offices in specified combinations.

This bill would authorize the board of supervisors in these specified counties to consolidate the offices of county clerk, assessor, and recorder. It would also authorize the consolidation of the offices of assessor and recorder.

Ch 160 (AB 2838) Farr Monterey Peninsula Airport District: directors: compensation.

Under existing law, the Monterey Peninsula Airport District is governed by a board of directors who serve without compensation.

This bill would provide that each member of the board of directors shall receive compensation in an amount not to exceed $100 for attendance at each regular meeting of the board held within the district, which amount shall be fixed by the board. The bill would provide that no director shall receive compensation for more than 4 meetings in any calendar month. The bill would also provide that each director shall also be allowed, with the approval of the board, all travel and other expenses necessarily incurred by the member in the actual performance of the member's duties

Ch 161 (AB 3022) Klehs. Property taxation: welfare exemption: use of property.

Existing property tax law provides for a welfare exemption under which property used exclusively for religious, hospital, scientific, or charitable funds, foundations, or corporations meeting the statutory requirements is exempt from taxation. Charitable organizations in general must comply with 6 specific requirements to be eligible for the welfare exemption, including the requirement that the property sought to be exempted is used for the actual operation of the exempt activity. It further provides that, for purposes of determining whether property is used for the actual operation of the exempt activity, consideration shall not be given to certain occasional uses of the property, provided the owner-organization and any other utilizing organization, as specified, file specified proof of exempt status under a certain provision of the federal Internal Revenue Code.

This bill would also provide that, for purposes of determining whether property is used for the actual operation of the exempt activity, consideration shall not be given to the use of property for meetings conducted by any other organization if the meetings are incidental to the other organization's primary activities, are not fundraising meetings or activities, are not more than once per week, and the other organization and its use of the property meet the general requirements for exemption. It also would require the owner of the property or the other organization to file specified proof of exempt status, as specified, under either of 2 specified provisions of the federal Internal Revenue Code.

Ch. 162 (AB 3432) Isenberg. Long-term health care facilities: citations: burden of proof: reduction or dismissal.

Existing law which will become inoperative December 1, 1990, and will be repealed January 1, 1991, requires that, if the State Department of Health Services establishes that certain violations of long-term health care facility licensing requirements have occurred, the licensee shall have the burden of proving that the licensee did what might reasonably be expected of a long-term health care facility licensee, acting under similar circumstances, to comply with the regulation, and authorizes reduction or dismissal of prescribed citations if the burden is met

This bill would delete the inoperative and repeal dates. This bill would, also, repeal an existing inoperative provision which would become operative January 1, 1991, and which, except for reduction of citations for class "AA" violations, as defined, would delete the provisions establishing this burden of proof upon the licensee and authorizing

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reduction or dismissal of citations.

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

Ch. 163 (AB 3684) Hauser. County finance: Office of Planning and Research: report.

Existing law provides that upon the request by the board of supervisors of a county which has a population of 150,000 or less as of January 1, 1983, any state department, except for the State Department of Social Services, may make advance payments to the county which are essential to the effective implementation of any particular program. Prior to January 1, 1990, this authority only extended to specified state departments.

This bill would require the Legislative Analyst, on or before January 1, 1992, to prepare a report for the Governor and the fiscal committees of the Legislature regarding the implementation and effectiveness of these advance payment provisions, including the changes that became effective on January 1, 1990, to provide resources to help stabilize fiscal conditions in the affected counties.

Ch. 164 (SB 281) Leonard. County contracts: state-licensed independent contractors.

Existing law permits the board of supervisors of a county to employ a purchasing agent and prescribes certain duties for that agent, including purchasing or renting for the county its offices, furnishings, equipment, and livestock.

This bill would permit the purchasing agent to contract for services pursuant to specified provisions of the Public Contract Code.

Existing law permits a purchasing agent of a county to employ an independent contractor for certain public works costing not more than $6,500 without complying with certain contracting procedures of existing law.

This bill would permit a purchasing agent of San Bernardino County to employ a state-licensed independent contractor for certain public works costing not more than $30,000 without complying with those contracting procedures of existing law governing public works costing more than $6,500. The bill would also require the purchasing agent to obtain, or document his or her inability to obtain, at least 3 written proposals for each project and to send a specified notification to certain parties who request it. This bill would make other technical, nonsubstantive changes to existing law.

The bill would provide for the repeal of all of these provisions on June 30, 1992. The bill would also state that these provisions constitute necessary special legislation.

Various provisions of existing law grant counties certain public contracting powers based on their population.

This bill would specify that for purposes of determining the population of counties for those specified contracting purposes, the population of a county is the most recent estimate determined by the Population Research Unit of the Department of Finance.

Ch. 165 (SB 414) Dills. Beverage containers.

(1) Under existing law, the California Beverage Container Recycling and Litter Reduction Act, every beverage container sold or offered for sale in this state is required to have a specified minimum refund value. A distributor is required to pay a redemption payment for every beverage container sold or offered for sale in the state to the Department of Conservation, for deposit in the California Beverage Container Recycling Fund. A violation of the act is a crime and the penalties for violation are deposited in the fund. The money in the fund is continuously appropriated to carry out the act.

Existing law requires the invoice or other form of accounting of the transaction submitted by a beverage distributor of soft drinks or mineral water, or beer and malt beverages to a dealer, to separately identify the amount of any minimum redemption value imposed on the beverage containers. Existing law requires the dealer to separately identify the amount of any minimum redemption value imposed on a beverage container in a specified manner and authorizes the dealer to identify any applicable minimum redemption value on the customer cash register receipt.

Existing law requires the Legislative Analyst to submit a report to the Legislature, under specified conditions, including recommendations on the desirability of increasing

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the redemption value of a beverage container. Existing law authorizes the Director of Conservation to grant an exemption relating to the requirement that there be at least one certified recycling center or location within every convenience zone, if, among other things, the exemption will not significantly decrease the ability of consumers to return beverage containers for the refund value. Existing law defines "curbside program" to mean, among other things, a program which accepts empty beverage containers with the intent to recycle them, but does not pay the redemption value or redemption bonus. Existing law requires each curbside program which receives, among other things, redemption values and redemption bonuses from certified recyclers or certified processors to submit a survey form to the department.

This bill would delete the references to minimum redemption value relating to the regulation of the dealer and the beverage distributor and would, instead, refer to that value as a redemption payment. The bill would impose the requirement relating to the invoice or other form of accounting, on and after July 1, 1990, on a beverage distributor of wine or distilled spirit coolers, thereby imposing a state-mandated local program by creating new crimes. Since the penalties for a violation of these requirements would be deposited in the fund, the bill would make an appropriation. The bill would prohibit a beverage distributor of soft drinks or mineral water from combining or including the gross wholesale price with the redemption payment on the invoice submitted to the dealer. The bill would provide that an unintentional error in addition or subtraction on an invoice or other form of accounting by a route driver of a distributor is not a violation of the act. The bill would define a term.

The bill would delete the references to redemption values and redemption bonuses relating to the survey form submitted by curbside programs and to the definition of curbside program, and would refer to those values and bonuses as refund values. The bill would delete the additional references to redemption value concerning the report and the exemption, and would refer to that value as a refund value.

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

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

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

Ch. 166 (SB 1085) L. Greene. Taxation: housing tax credits.

Under existing law, the Legislature has designated the Mortgage Bond and Tax Credit Allocation Committee to allocate certain federal low-income housing credits. The existing Personal Income Tax Law and Bank and Corporation Tax Law allow taxpayers a credit under both laws for providing state low-income housing. The credit conforms largely to the low-income housing credit provided under the Internal Revenue Code of 1986, as amended, including the amendments contained in the Technical and Miscellaneous Revenue Act of 1988. Existing law also provides that the credits are repealed as of December 1, 1990, or for as long as certain federal law pertaining to low-income housing credits remains in effect.

This bill would make findings and declarations of the Legislature that certain changes made to federal law now require the Mortgage Bond and Tax Credit Allocation Committee to set forth selection criteria and preferences, appropriate to local conditions, in allocating housing credit dollar amounts to eligible projects serving the lowest income tenants and projects obligated to serve low-income tenants for the longest periods. This bill would set forth the criteria and preferences, which the committee would be required to use, in allocating housing credit dollar amounts to eligible projects.

This bill would take effect immediately as a tax levy.

Ch. 167 (SB 1754) Ayala. Pests: Mediterranean fruit fly.

(1) Existing law prohibits, with prescribed exceptions, the importation into, or shipment or transportation within, the state of any live insect or pest. A violation of this provision is a misdemeanor.

This bill would make it a felony for any person to willfully and knowingly import into,

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or to willfully and knowingly transport or ship within, this state, a Mediterranean fruit fly.

Since the bill would create a new crime, it would impose a state-mandated local program.

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

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

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

Ch 168 (SB 1796) Deddeh. Tidelands: Imperial Beach: San Diego port district

Under existing law, specified cities, including the City of Imperial Beach, were required, upon the establishment of the San Diego Unified Port District, to convey to the district title to any tidelands and submerged lands which were owned by the city.

This bill would repeal an existing legislative grant of tidelands and submerged lands to the City of Imperial Beach and would grant a described portion of those lands in trust to the district to be held in accordance with specified provisions of the San Diego Unified Port District Act. The bill would authorize the city to convey specified lands to the district. The bill would authorize the district to retire any outstanding indebtedness which has been incurred by the City of Imperial Beach for the construction or reconstruction of the Imperial Beach pier located on the granted lands.

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

Ch. 169 (SB 1814) Vuich. Vehicles: schoolbuses.

Existing law prohibits flashing lights on vehicles, except as specifically authorized.

This bill would permit schoolbuses to be equipped with white strobe lights, as specified

The bill would require the Department of the California Highway Patrol to adopt regulations establishing the type and mounting requirements for the strobe lights.

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

Ch. 170 (SB 1873) Morgan. Identification documents: Identification cards and drivers' licenses: manufacture or sale.

Existing law prescribes certain unlawful acts relating to the use of identification cards and driver's licenses issued by the Department of Motor Vehicles.

This bill would specifically prohibit the manufacture or sale of an identification document of a size and form substantially similar to the identification cards or the drivers' licenses issued by the department. A violation would be a misdemeanor, thus, the bill would impose a state-mandated local program by creating new crimes.

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

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

Ch. 171 (AB 1202) Campbell Schools: emergency apportionments. [1]

(1) Existing law appropriates $14,000,000 from the General Fund to Section A of the State School Fund for allocation by the Superintendent of Public Instruction to the Richmond Unified School District for the purpose of an emergency loan, subject to specified conditions.

This bill would repeal that appropriation, and would appropriate $14,000,000 from the Special Account for Capital Outlay to Section A of the State School Fund for that same purpose. The bill would also specify that any amounts appropriated pursuant to the appropriation authorized under AB 1273 shall be deemed to constitute an advance in the 1989–90 fiscal year for expenditures chargeable against the General Fund for the 1990–91 fiscal year

The bill would require the Controller, as of January 1, 1990, to transfer from the

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General Fund to the Special Account for Capital Outlay an amount equal to the sum appropriated from that account under this bill.

(2) Existing law provides for emergency apportionments to school districts and imposes certain requirements as conditions to an emergency apportionment. Existing law requires, as one of the conditions, that the Legislature shall have specifically appropriated sufficient funds to make the emergency apportionment and that the act making the appropriation contain a schedule of repayments with which the district is required to comply.

This bill would provide, in the event that AB 1273 is not enacted into law, that this requirement is deleted, and would add the requirement that the district develop a schedule to repay the emergency loan and submit it to the county superintendent of schools. The bill would require the county superintendent to review and comment on the repayment schedule and submit it to the Superintendent of Public Instruction for approval. The bill would require the Superintendent of Public Instruction, upon approving the repayment schedule and other prescribed conditions, to request the Controller to disburse the proceeds of the emergency loan to the district.

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

Ch. 172 (AB 189) Floyd. Labor.

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

This bill would require any local agency which issues business licenses or permits to require proof that the person applying for the license or permit is registered with the commissioner, as a condition of issuing any business license or permit for a garment manufacturing business. The imposition of this new requirement on local agencies would create a state-mandated local program.

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

This bill would provide that, if the Commission on State Mandates determines that certain provisions of this bill contain costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 173 (AB 2578) Kelley. Agriculture: avocados.

Existing law requires avocado handlers to pay an inspection and certification fee, not greater than 12¢ per hundredweight of pounds prepared for market, to the Director of Food and Agriculture each month.

This bill would increase the maximum amount of the fee to 25¢ from July 1, 1990 through June 30, 1991, and to 18¢ commencing July 1, 1991. The bill would make an appropriation since other provisions provide that these funds are continuously appropriated to the department.

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

Ch. 174 (SB 640) Alquist. Taxation: disposition of sales and use tax revenues.

Existing law, as modified by Proposition 116, which was approved by the voters at the June 5, 1990, direct primary election, provides for the disposition of state sales and use tax revenues, including the transfer to the Transportation Planning and Development Account, a trust fund in the State Transportation Fund, of specified portions of those revenues attributable to the imposition of state sales and use taxes on gasoline and on diesel fuel, with the balance to be transferred to the General Fund.

This bill would, in accordance with Chapter 105 of the Statutes of 1989, require to be additionally transferred to the Transportation Planning and Development Account in the State Transportation Fund, instead of the General Fund, all sales and use tax revenues derived at the 4¾% rate, resulting from increasing, after December 31, 1989, the rate of the tax imposed on gasoline under the Motor Fuel License Tax Law.

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This bill would require that a specified portion of those state sales and use tax revenues attributable to the imposition of a ¼% increase in the tax rate enacted by Chapter 14 of the Statutes of 1989 First Extraordinary Session and derived from that imposition for the period June 6, 1990, to December 31, 1990, be transferred to the Disaster Relief Fund, which is continuously appropriated for disbursements made for response to and recovery from the Loma Prieta earthquake, aftershocks, any related casualty, and for transfer to the Special Fund for Economic Uncertainties, as specified. This bill would require that the transfer to the Disaster Relief Fund be separately made for revenues attributable to the imposition of sales and use taxes on diesel fuel and the imposition of those taxes on all other tangible personal property

Since this bill would transfer revenues to the Disaster Relief Fund, a continuously appropriated fund, the bill would make an appropriation.

This bill would declare that its provisions are severable.

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

Ch. 175 (AB 2610) O'Connell. Community facilities districts: hazardous substances cleanup.

Under existing law, community facilities districts may issue bonds and levy special taxes to finance designated public and utility facilities and services.

This bill would specify that a community facilities district may be established to finance services with respect to removal or remedial action for the cleanup of any hazardous substance, as those terms are defined, released or threatened to be released into the environment. The bill would require districts to provide notice to the State Department of Health Services and local health and building departments at least 30 days prior to the commencement of any activity so authorized.

Existing law permits a community facilities district to levy a special tax to provide for the purchase, construction, expansion, improvement, or rehabilitation of real or other tangible property with an estimated useful life of 5 years or longer. The levy of a special tax is required by existing law to be approved by a ⅔ vote of the district's voters, except that, if there is no residential property in the district at the time of the election a landowner voting procedure may be used.

This bill would expressly permit the districts to finance the acquisition, improvement, rehabilitation, or maintenance of any real or other tangible property, whether privately or publicly owned, for removal or remedial action for the cleanup of any hazardous substance.

The bill would specify that the scope and standard of liability for these costs is that provided by the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

This bill would permit the legislative body which created the district to establish a revolving fund to be expended solely for the payment of costs with respect to services and facilities relating to the removal and remedial action for the cleanup of any hazardous substances and to fund the fund from the proceeds from the sale of bonds, authorized taxes or charges, and any other lawful source. The bill would permit the legislative body to withdraw funds, as specified.

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

Ch. 176 (SB 1626) Rosenthal. Telephone corporations· area codes.

Under existing law, the Public Utilities Commission regulates the furnishing of services by public utilities, including telephone corporations.

This bill would require the boundaries for a new area code established by a telephone corporation to coincide with the boundaries of a city, or, if the area code is to include less than the entire area of a city, the bill would require the corporation to consider, among other things, the criteria for establishing the councilmanic districts of a city set forth in a specified section of the Elections Code. The bill would also require all local exchange telecommunications corporations to give notice to their telephone subscribers of the new area code prior to its implementation.

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Ch. 177 (SB 830) Roberti. Firearms.

(1) Under the provisions of Chapter 9 of the Statutes of 1990, all copies of the dealers' records of sales for firearms which are not pistols, revolvers, or other firearms capable of being concealed upon the person, must be destroyed within 30 days of the clearance by the Attorney General, except as specified. The provision of Chapter 9 of the Statutes of 1990 require the 3rd copy of the register involving the sale of these firearms to likewise be destroyed within 30 days of receipt.

This bill would require the destruction of the dealers' records of sale and the 3rd copy of the register to occur within 5 days, rather than 30 days, of clearance or receipt, as the case may be.

(2) Under the provisions of existing law, the Department of Justice is required to prescribe the form of the firearm register.

This bill would require the department to prescribe 2 forms of the firearm register with one form for pistols, revolvers, and other firearms capable of being concealed upon the person and the 2nd form for other firearms.

(3) Under the provisions of Chapter 9 of the Statutes of 1990, all sales, deliveries, and transfers of all firearms must be completed through a licensed dealer except with respect to, among other transactions, certain infrequent transfers by gift, bequest, or intestate succession between family members, 3-month temporary transfers to gunsmiths for repair, and certain transactions involving auctions conducted by nonprofit mutual or public benefit corporations.

This bill would include infrequent transfers by family members by other means within the exemption, would eliminate the 3-month restriction as to transfers to gunsmiths for repairs, and would exempt certain transactions involving auctions or "similar events" conducted by nonprofit mutual or public benefit corporations.

(4) Under the provisions of Chapter 9 of the Statutes of 1990, no person who has been taken into custody in accordance with the Lanterman-Petris-Short Act under specified circumstances, shall own, possess, control, receive, or purchase, or attempt to own, possess, control, receive, or purchase, any firearm for a period of 5 years after the person is released from the facility unless, prior to the release of the person, the person is declared by the facility to be a person who is likely to use firearms in a safe and lawful manner.

This bill would recast this exemption to allow a person described in the above paragraph to own, possess, control, receive, or purchase, or attempt the same, if, at or prior to being released, the person is certified by the professional person in charge of the facility or his or her designee to be a person who is likely to use firearms in a safe and lawful manner or a superior court has found the person is likely to use the firearm in a safe and lawful manner.

(5) Existing law exempts any person who transfers a pistol, revolver, or other firearm capable of being concealed upon the person through a licensed dealer in accordance with applicable statutes from incurring any civil liability for subsequent misuse of that firearm if the seller had no knowledge of the misuse prior to the transfer

This bill would extend the described immunity to the transfer of any firearm which is accomplished in accordance with the described procedure involving a licensed dealer.

(6) Under the provisions of the Roberti-Roos Assault Weapons Control Act of 1989, it is a public offense, except as stated, punishable by imprisonment in the state prison or in county jail, for any person to unlawfully possess an assault weapon.

This bill would expressly exempt from this prohibition the possession of an assault weapon by any person during the 1990 calendar year if all of the following apply (a) the person is eligible under this act to register the particular assault weapon by January 1, 1991, (b) the person lawfully possessed the particular weapon prior to June 1, 1989, and (c) the person is otherwise in compliance with the provisions of the act.

(7) Under the provisions of the Roberti-Roos Assault Weapons Control Act of 1989, a licensed gun dealer, as defined, may lawfully possess an assault weapon for specified purposes. In addition, existing law provides that any person who registers an assault weapon or obtains a permit to possess an assault weapon may possess it only under specified conditions.

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This bill would authorize any person who has registered an assault weapon or who has been issued a permit to possess it to transport the weapon to a licensed gun dealer, as defined, for purposes of servicing or repair.

This bill would additionally allow a licensed gun dealer to take possession of an assault weapon for the purposes of servicing or repair from any person to whom it is legally registered or who has been issued a permit to possess it, and it would allow a licensed gun dealer to transfer possession of any assault weapon received in the manner described to certain gunsmiths in his or her employ or with whom he or she has contracted for gunsmithing services, for purposes of accomplishing servicing or repair.

(8) The bill would provide that its provisions are severable.

(9) This bill would provide that its provisions shall be known and may be cited as "The Prohibition Against Rifle and Shotgun Registration Act of 1990."

The bill would provide that provisions of this bill affected by Chapter 9 of the Statutes of 1990, would become operative on January 1, 1991.

The bill would declare that its provisions are to take effect immediately as an urgency statute.

Ch. 178 (AB 2620) Eastin. Contractors.

Existing law provides that it is grounds for disciplinary action for any prime building contractor to fail to pay any specialty contractor within 10 days of each progress payment, unless otherwise agreed in writing by the parties, the respective amounts allowed the contractor on account of the work performed by the subcontractor to the extent of the subcontractor's interest therein.

This bill would apply the provision to a prime contractor or subcontractor, rather than a prime building contractor, and require payment to a subcontractor not later than 10 days of receipt of each progress payment by the prime contractor or subcontractor unless otherwise agreed to in writing The bill would authorize the prime contractor or subcontractor to withhold a specified amount of money if there is a good faith dispute over the amount due. Violation of these provisions would constitute cause for disciplinary action and would subject the prime contractor to a penalty of 2% of the amount due per month for every month that payment is not made. The bill would provide that the prevailing party, in any action for the collection of funds wrongfully withheld, shall be entitled to attorney fees and costs, as specified.

Ch. 179 (SB 1748) Deddeh. County veteran service officers: funding.

Existing law appropriates $500,000 to the Department of Veterans Affairs for disbursement, during the 1989–90 fiscal year, on a pro rata basis to counties which have established and maintain a county veteran service officer in accordance with the staffing level and workload of each officer under a formula based on performance and which allocate county funds in any fiscal year for county veteran service officers in an amount not less than the amount allocated in the 1988–89 fiscal year.

This bill would delete a provision which would make state funding for county veteran service officers contingent on the performance of each officer and the maintenance by the county of its 1989–90 fiscal year allocation.

Existing law also directs the department to annually compile and publish a statistical review to inform the people of each county receiving funds under these provisions of the effectiveness of county veteran service officers, but does not specifically provide funding for this requirement.

This bill would delete the requirement that the department annually compile and publish the statistical review.

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

Ch. 180 (SB 2138) Russell. Mental health: conservatorships.

Existing law requires that a report made by an officer providing conservatorship investigation be submitted to the court conducting a conservatorship hearing for a gravely disabled person. The report is required to contain, among other things, a recommendation as to the imposition of a disability on the conservatee of the right to refuse medical treatment unrelated to remedying or preventing the recurrence of the conser-

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vatee's being gravely disabled which is necessary for the treatment of an existing or continuing medical condition, as evaluated by the investigator.

This bill would, instead, require a recommendation relating to the right to refuse routine medical treatment unrelated to remedying or preventing the recurrence of the conservatee's being gravely disabled, and would delete the requirement that the medical treatment be necessary for the treatment of an existing or continuing medical condition, as evaluated by the investigator. It would also require that the court make a specific determination regarding the imposition of a disability regarding this right.

Existing law provides that a conservator appointed by the court may, when authorized in the court order, require a conservatee to receive medical treatment which is necessary for the treatment of an existing or continuing medical condition.

This bill would delete the requirement that the medical treatment be necessary for the treatment of an existing or continuing medical condition.

Existing law provides that if a conservatee requires medical treatment which has not been specifically authorized by the court, the conservator shall, except in cases of emergency, obtain a court order for that treatment.

This bill would limit the application of the provision to situations in which the conservator has not been specifically authorized by the court to require the conservatee to receive medical treatment.

Ch 181 (AB 421) Allen. Legislative employees and officers: child care.

Existing law does not require child care services to be made available to legislative officers and employees.

This bill would require the Joint Rules Committee to include, in planning the Legislature's new building in Sacramento, child care services and limited school age child care services, as defined, to be made available to all legislative officers and employees who perform the majority of their work in Sacramento, excluding district office employees, and to notify these legislative officers and employees about the availability of these services. It would require that child care services be made available during regular legislative work hours and, in addition, that child care services and school age child care services be made available during extended legislative work hours on weekends and nights. The bill would state the intent of the Legislature that the child care program serve as a model program to demonstrate to the private sector the manner in which child care programs should be organized and implemented. It would require the Senate Committee on Rules and the Assembly Committee on Rules to consider establishing similar child care programs for district office employees, as specified. It would require the Joint Rules Committee to establish a prescribed sliding fee scale. This bill would also provide that costs incurred due to its requirements be paid from the Senate Operating Fund and the Assembly Operating Fund.

Ch. 182 (AB 1528) Farr. Handicapped children. surrogate parents.

Existing federal regulations require that an individual be assigned to act as a surrogate for the parents of handicapped children, as defined. Existing state law authorizes representation of an individual with exceptional needs by a surrogate parent, as specified. Existing law, for the purposes of providing special education to individuals with exceptional needs, defines "parent" to include a person having legal custody of a child, a person having custody of a minor if the parent or legal guardian cannot be notified of the educational actions under consideration, and an adult pupil who does not have a guardian or conservator. Existing law also requires each special education local plan submitted by a school district, special education local plan area, or county office of education to contain specified information.

This bill would specifically provide that the state or a political subdivision of government is not included in the definition of "parent."

This bill would also require the Superintendent of Public Instruction to provide each county office of education with a current list of licensed children's institutions in the county at least biannually.

This bill would also require the special education local plan area director to ensure the development of a policy for each local plan area regarding the appointment process

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for surrogate parents. This bill would require a surrogate parent to be appointed for a child under specified circumstances and would specify that a surrogate parent is to be governed by specified provisions of this bill. This bill would specify that a surrogate parent is to serve as the child's parent and is to have all the rights relative to the education of the child that a parent has under federal law.

This bill would also provide that a surrogate parent shall not be appointed unless the court specifically limits the right of the parent or guardian to make educational decisions for the child or, in the case of a child who has reached majority, unless the court has declared the child incompetent.

This bill would provide that the surrogate parent and the local educational agency appointing the surrogate parent shall be held harmless by the state when acting in their official capacity except for acts or omissions that are found to have been wanton, reckless, or malicious. This bill would declare that if funding for the implementation of this provision is provided it shall be provided pursuant to a specified item in the Budget Act.

Under existing law, each court, regional center for developmentally disabled, or public agency, at the time of placement in a licensed children's institution or foster family home, is required to identify the individual responsible for representing the interests of the child for educational and related services.

This bill would delete this requirement and, instead, require each court, regional center for developmentally disabled, or public agency to determine whether the courts have limited the rights of the parent or guardian to make educational decisions for a child who is a ward or dependent of the court, the location of the parents, and whether the location of the parents is unknown. To the extent that this requirement exceeds the requirements imposed by federal law, this bill would impose a state-mandated local program.

Existing law, known as the Arnold-Kennick Juvenile Court Law, sets forth the procedures for declaring a minor to be a dependent child of the juvenile court. A juvenile court is authorized to direct the orders it makes, which are in the best interests of the minor or for the rehabilitation of the minor, to the parent, parents, or guardian of the minor. The court is authorized to limit the control exercised by a parent or guardian over a dependent child.

This bill would specify that the court may include in its orders requirements for the care, supervision, custody, conduct, maintenance, and support of the minor, including education and medical treatment. This bill would also require that any limitation on the right of the parent or guardian to make educational decisions for the dependent child shall be specifically addressed in the court order.

This bill also would require the Superintendent of Public Instruction, on or before July 1, 1991, to develop policies, procedures, and a basic training package for surrogate parents, as specified.

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

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 183 (AB 2758) Eastin. Solid waste: cemeteries.

(1) Chapter 1095 of the Statutes of 1989 recodified substantially all of the statutes relating to solid waste into the Public Resources Code and prescribed a new California Integrated Waste Management Board to administer the new law. That statute contained a clause subordinating its repeal of provisions of Title 7.3 (commencing with Section 66700) of the Government Code to any other act which became effective on or before January 1, 1990.

This bill would reconcile some of the provisions of Chapter 72 of the Statutes of 1989 with the recodification, and, additionally, would exempt a cemetery which disposes

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specified materials on the grounds of that cemetery from the Solid Waste Disposal Site Hazard Reduction Act of 1989.

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

Ch. 184 (AB 3451) Hannigan. Special education.

Existing law provides for a special education program for individuals with exceptional needs between the ages of 3 and 5 years, inclusive. Under that program, all individuals with exceptional needs between the ages of 3 and 5 years, inclusive, who meet certain qualifications, are required to be served by school districts and county offices of education within each special education local plan area by June 30, 1991.

This bill would extend that date to June 30, 1992.

Existing law requires that California terminate its participation in a specified federal preschool grant program for individuals with exceptional needs between the ages of 3 and 5 years, inclusive, if the federal government fails to fund the program, as specified, during the 1988 federal fiscal year, or any fiscal year thereafter.

This bill would require California to terminate its participation in that federal program if the amount of funding provided by the federal government under the program is insufficient to fund the full costs of designated special education programs and services, and that lack of federal funding would require any contribution from the General Fund or from a local educational agency in order to fund those costs. This bill would specify that these provisions do not apply to children between the ages of 3 and 5 who require intensive special education. This bill would express the legislative intent that if the program terminates, the termination be carried out in an orderly manner with timely notification of parents and certificated personnel, as prescribed by statute.

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

Ch. 185 (AB 3506) Nolan. Hazardous waste: city attorneys.

Existing law regulates the management of hazardous waste and establishes criminal penalties for specified violations of the hazardous waste control laws.

This bill would authorize any city attorney to bring specified actions relating to the enforcement of the hazardous waste control laws.

Ch. 186 (AB 3630) Filante. Park and open-space districts: Sonoma County.

Existing law provides procedures for the formation of a regional park district, regional park and open-space district, or regional open-space district. A petition is required to be presented to the board of supervisors of the county with the largest area in the district, which would approve, approve in part, or disapprove the petition, except that the Board of Supervisors of the County of Marin may form a district coterminous with the boundaries of that county by resolution instead of pursuant to a petition, may specify that the board of supervisors shall act as the governing body of the district, and may change the legal name of the district to the Marin County Open Space District.

This bill would include Sonoma County in those provisions.

The bill would authorize a resolution calling for an election to form a district to provide for a single ballot measure, or separate measures, on specified issues.

The bill would require the Sonoma County Board of Supervisors to act ex officio as the governing body of any district formed in Sonoma County pursuant to these provisions.

The bill would require the resolution to form a district in Sonoma County to include specified items.

The bill would prohibit a district formed in Sonoma County pursuant to these provisions from exercising the power of eminent domain.

The bill would also require any action or proceeding in that district contesting the validity of the imposition of any tax or the issuance of any bonds to be commenced in accordance with specified provisions of the Code of Civil Procedure and within a specified period.

The bill would make legislative findings and declarations.

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

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Ch. 187 (AB 878) Johnston. Courts.

(1) Existing law provides for the apportionment of the salary of a justice, municipal, or superior court judge, sitting in another court on assignment, as specified.

This bill would revise those provisions to (a) eliminate the reimbursement of the lending county by the state of 10% of the salary of certain justice court judges sitting on assignment in the superior court; and (b) to expand the provisions for the apportionment of the salary of a municipal court judge or justice court judge receiving the salary of a municipal court judge sitting on assignment in a municipal court in another county, to apply to such judges sitting on assignment in a justice court in another county as well.

(2) Existing law provides for the payment by the state of the necessary expenses for travel, board, and lodging, as specified, of a trial court judge assigned to another county, and requires the receiving county to reimburse the state for these expenses; requires a county to reimburse a municipal or justice court judge for his or her necessary traveling expenses while assigned to another court in the same county; requires the state to pay the expenses for travel, board, and lodging, as specified, of judges sitting on assignment in the Supreme Court and courts of appeal; and provides for the payment by the state of the necessary expenses of retired judges sitting on assignment, as specified, and requires the receiving county to reimburse the state for these expenses.

This bill would revise the provisions for the reimbursable expenses of judges sitting on assignment to provide that expenses for travel, board, and lodging shall be paid by the state under the rules adopted by the Board of Control which are applicable to judicial officers of the state while traveling on state business and would make related changes.

The bill would impose a state-mandated local program by requiring counties to provide a higher level of service under an existing program.

(3) Existing law provides for the addition to, or deduction from, block grants to option counties under the Brown-Presley Trial Court Funding Act of amounts owing to a state or a county, as specified.

This bill would eliminate the provision for addition to these block grants of amounts owing to the county, and provide instead for the Judicial Council to separately pay the amounts owing to an option county. The bill would also revise the provisions for the administration of amounts deducted from block grants.

(4) Existing law provides for the expenses of members of an oral examining board for candidates for justice court judge, as specified.

This bill would provide for those expenses to be determined under rules of the Board of Control applicable to state judicial officers.

(5) Under existing law, specified persons are peace officers while engaged in the performance of their duties and have the authority to act as peace officers and to carry firearms, as specified.

This bill would provide that the coordinators of security for the judicial branch are such peace officers.

(6) The bill would declare that it is to take effect immediately as an urgency statute, and would specify that it will become operative July 1, 1990.

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

This bill would provide that, (a) with respect to option counties under the Brown-Presley Trial Court Funding Act, those counties will receive funding under that act in lieu of such reimbursement; and (b), with respect to any other counties, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

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Ch. 188 (AB 1697) Bronzan. Public social services: cost-of-living adjustments.

Existing law provides for various cost-of-living adjustments for aid to families with dependent children, the in-home supportive services program, and county health services.

This bill would delay until August 1, 1990, those cost-of-living adjustments which would otherwise go into effect on July 1, 1990, and would make related legislative findings, except that assistance units receiving grants under the aid to families with dependent children in August of 1990 would receive a supplement equal to the cost-of-living adjustment for one month, as specified.

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

Ch. 189 (AB 2618) Lempert. Contracts: Automobile Sales Finance Act.

Under existing law, any conditional sales contract subject to the Automobile Sales Finance Act is required under that act to contain a specified notice with respect to complaints concerning unfair or deceptive practices or methods by the seller in at least 8-point bold type if the contract is printed.

Existing law, operative July 1, 1990, also requires such a contract to contain a notice in at least 8-point bold type that provides that complaints concerning unfair or deceptive practices or methods may be referred to the city attorney, the district attorney, or the Department of Motor Vehicles, or any combination thereof; provides for the notice to state that the seller cannot change the financing or payment terms stated in the contract after the buyer has received possession of the vehicle; and requires that the notice state that it is an unfair or deceptive practice for the seller to try to change the terms of the contract.

This bill would revise the former requirement operative January 1, 1991, as specified, and repeal the latter requirement.

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

Ch. 190 (AB 3302) Allen. School employees.

Existing law prescribes the workweek of a classified school employee to be 40 hours and the workday to be 8 hours.

This bill would authorize the governing board of a district or a county superintendent to establish a 9-hour-per-day, 80-hour-per-2-week work schedule, under certain conditions.

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

Ch. 191 (AB 2563) Vasconcellos. Budget Act of 1989: augmentation: contingencies or emergencies. [5]

(1) The Budget Act of 1989 appropriated $4,500,000 in equal amounts from the General Fund, unallocated special funds, and unallocated nongovernmental cost funds for expenditure for contingencies or emergencies upon written authorization from the Director of Finance.

This bill would appropriate $332,445,000, as scheduled, in augmentation of these Budget Act appropriations.

This bill would authorize the Director of Finance to withhold authorization for the expenditure of funds appropriated in the bill until preliminary estimates of potential deficiencies are verified.

(2) The Budget Act of 1989 appropriated $230,000,000 from the General Fund, as specified, as a contingency expenditure reserved for subsequent appropriation by the Legislature to augment expenditures for public education. This amount is generally cited as the "Proposition 98 Reserve."

This bill would require the Controller to transfer, on or before June 30, 1990, the unencumbered balances, as specified, of specified public education items of the Budget Act of 1989 to the Proposition 98 Reserve for the 1989–90 fiscal year.

(3) Pursuant to Chapter 304 of the Statutes of 1988, $2,500,000 was appropriated from the California Environmental License Plate Fund to the State Coastal Conservancy for expenditure, together with other funds as specified, for acquisition of all or part of the Jones Ranch, near Westport, Mendocino County.

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This bill would require the Controller to revert to the California Environmental License Plate Fund $1,500,000 of the unencumbered balance of the sum appropriated in Chapter 304 of the Statutes of 1988 for acquisition of the Jones Ranch.

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

Ch. 192 (AB 1279) Hauser. Housing: abatement of potentially hazardous buildings.

The existing State Housing Law requires a local enforcement agency that has determined that a building is substandard to commence proceedings to abate the violation by repair, rehabilitation, or demolition of the building. Existing law permits the local enforcement agency to require vacation and demolition or to vacate, repair, or demolish the building if the repair work is not done as scheduled, if the owner does not make a timely choice to repair or demolish the building, or if the owner selects an option which cannot be undertaken or completed within a reasonable period of time, as determined by the Department of Housing and Community Development. Existing law requires the department to assume enforcement responsibility in those jurisdictions with no local enforcement agency.

Under existing law, the Seismic Safety Commission is required to undertake a study to review and recommend technically and economically feasible codes, standards, and procedures for the design and construction of new structures and the strengthening of existing structures so as to increase the earthquake resistance of structures located in areas of significant seismic hazard. Existing law also requires certain local jurisdictions to identify all potentially hazardous buildings, as defined, on or before January 1, 1990.

This bill would institute procedures and judicial remedies to enable the local enforcement agency, or the department, as the case may be, to order a building identified as potentially hazardous to life in the event of an earthquake to be retrofitted to local building standards, or, in the alternative, to apply to the superior court for the appointment of a receiver, with specified powers and duties, to remove or remedy in accordance with those recommended codes and standards of the commission, a building identified as potentially hazardous under existing law pursuant to a court-approved plan.

Since the bill would create additional responsibilities for a county recorder by requiring various abatement notices and liens to be recorded, and for a county clerk with respect to the filing of proof of service of an order to show cause as to why a receiver should not be appointed, the bill would impose a state-mandated local program.

Existing law, with specified exceptions, exempts public agencies from fees or charges for the filing of any document or paper.

This bill would make an exception to these exceptions, to authorize a county clerk, county recorder, or clerk of the court to charge a fee to any party for costs of filing or authenticating a document pursuant to the bill.

The bill would establish a cause of action which could be maintained by the enforcement agency or receiver to recover expenses. The bill would authorize a local enforcement agency to establish a special fund to implement these provisions.

The bill would make related changes to carry out its provisions.

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

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

Ch. 193 (SB 1968) Lockyer. Contracts: sales and service. customer rights.

Existing law generally (1) requires specified retailers who sell merchandise which will be delivered to the consumer at a later date to specify a 4-hour delivery period if the presence of the consumer is required, and provides a cause of action in a small claims court against a retailer for failure to deliver within the 4-hour period; and (2) requires a utility company or cable television company to inform its subscribers of their right to service connection or repair within a 4-hour period if the presence of the subscriber is required, and provides a cause of action in small claims court against the utility company

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or cable company for failure to commence service connection or repair within the 4-hour period.

This bill would provide that any provision of a delivery or service contract in which the consumer or subscriber agrees to modify or waive any of the rights afforded by the above provisions shall be void as contrary to public policy.

Ch. 194 (AB 2570) Vasconcellos. Contingencies or emergencies: Medi-Cal deficiency.

(1) This bill would appropriate $95,023,000 from the General Fund to the State Director of Health Services for expenditure in the 1990–91 fiscal year for the funding of Medi-Cal benefits and services for claims submitted during the 1989–90 fiscal year. The bill would also appropriate from the Federal Trust Fund to the State Director of Health Services any and all federal funds which may legally be expended for the purposes of the bill.

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

Ch. 195 (AB 185) Speier. Clinical laboratories.

Existing law defines a "clinical laboratory bioanalyst" and a "clinical laboratory technologist" as, among other things, any person licensed to perform specified work or procedures in a clinical laboratory and makes it unlawful for any person to make any test or examination in a clinical laboratory unless the person is licensed or authorized under provisions regulating clinical laboratories.

This bill would revise those definitions to refer to a person licensed to engage in clinical laboratory practice, which practice includes the application of clinical laboratory sciences within or outside a clinical laboratory, and would make it unlawful for any person to engage in clinical laboratory practice unless a person is licensed, as specified, or authorized to engage in that practice.

Existing law provides for the licensing and regulation of clinical laboratories and clinical laboratory personnel. The law exempts programs of nondiagnostic general health assessment, as specified.

This bill would delete the exemption for those nondiagnostic general health assessment programs and instead would exempt from those provisions any program of nondiagnostic general health assessment provided certain conditions are satisfied.

The bill would require a nondiagnostic general health assessment program to file specified documentation relating to the location, date, and time of operation of its program, 30 days prior to operating a program, with local health officers, as specified. The bill would provide that local public health officers shall enforce provisions regulating those programs, thereby imposing a state-mandated local program, and would authorize local public health agencies to impose a specified fee for the filing of the documentation.

Existing law does not require persons licensed pursuant to provisions regulating clinical laboratories to complete any continuing education requirements as a condition for the renewal of those licenses.

This bill would require the State Department of Health Services to develop and implement regulations for continuing education for those licensees on or before January 1, 1992, and would require the department to require, on and after January 1, 1994, completion of specified continuing education as a condition for the renewal of those licenses. The bill would authorize the department to establish fees for the implementation of those requirements.

Existing law provides that licenses issued under provisions regulating clinical laboratories are to be renewed annually.

This bill would authorize the State Department of Health Services to establish license periods and renewal dates in a manner as determined by the department, as specified.

This bill would impose a state-mandated local program by creating a new crime and expanding the scope of an existing crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish proce-

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dures for making that reimbursement.

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

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

Ch. 196 (AB 1565) Sher. Healing arts.

(1) Existing law requires the chief of the medical staff or professional staff, or other officer of certain peer review bodies to report to the appropriate licensing authority when specified licensed healing arts practitioners have been denied staff privileges, have been removed from the medical staff, or had their staff privileges restricted, as specified. The failure to make the report as required is a misdemeanor. Among the entities that are defined as peer review bodies are the medical or professional staff of any licensed health care facility, and any entity consisting of or employing more than 25 health care licentiates of the same class which has a committee that functions for the purpose of reviewing the quality of professional care.

This bill would also include within the definition of peer review bodies the medical or professional staff of a designated postsurgical recovery care demonstration project. It would also provide that peer review bodies include any entity consisting of or employing more than 25 licentiates of the same class, eliminating the requirement for inclusion within the definition that the entity have a committee that functions for the purpose of reviewing the quality of professional care, but it would specifically require those entities to have such a review committee.

Since a failure to make the required reports is a misdemeanor, the bill would impose a state-mandated local program.

(2) Existing law provides that the records or proceedings of committees of certain professional staffs of hospitals, and of certain health care professional review committees of state or local associations or local societies are not subject to discovery, except as specified.

This bill would also apply those immunities from discovery to records or proceedings of these committees of a peer review body, as defined.

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

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

Ch. 197 (AB 2550) Clute. Railroads. abandonment or discontinuance of service.

Under existing law, the Public Utilities Commission may authorize the abandonment or discontinuance of service, in whole or in part, on any line of railroad for any period of time and upon any conditions that the commission determines, without forfeiture of the right to operate the railroad.

This bill would require every railroad corporation that intends to abandon, or discontinue service on, any spur, industrial, team, switching, or side track providing intermodal service to any community or shipper to file an application with the commission and furnish notice of its intent to the affected community and shippers at least 90 days prior to the filing of the application. The bill would require the commission to hold a public hearing in the affected area if the abandonment or discontinuance of service is the subject of a written protest prior to authorizing the abandonment of, or discontinuance of service on, any spur, industrial, team, switching, or side track by a railroad corporation. The bill would also require the commission to make specified findings prior to authorizing the abandonment of, or discontinuance of service on, any spur, industrial, team, switching, or side track by a railroad corporation.

Ch. 198 (AB 2762) Hauser. Coast Life Support District.

(1) Existing law creates and provides for the operation, management, financing, and powers of the Coast Life Support District to provide emergency medical services, including emergency ambulance and life support services and certain other health services, to a specified area within Mendocino and Sonoma Counties.

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Under existing law, following the formation of the district, any change of organization of the district is required to be governed by the Cortese-Knox Local Government Reorganization Act of 1985.

This bill would prohibit any single change of organization which includes annexation of territory to, or detachment of territory from, the district from including territory in both Mendocino and Sonoma Counties.

This bill would define "principal county" under the Cortese-Knox Local Government Reorganization Act of 1985 for purposes of the district.

(2) Existing law requires the district to let any contract involving an expenditure of more than $10,000 for work to be done or for materials and supplies to be furnished, sold, or issued to the district, to the lowest responsible bidder. Bids are not required for change orders if each individual change order does not total more than 5% of the contract.

This bill would provide that bids are not required for change orders if each individual change order does not total more than 5% of the total contract for the purchase of materials or supplies or more than 5% of the annual cost of multiyear contracts for the purchase of services.

(3) Under existing law, the district board of directors may, without following prescribed bidding provisions, let contracts for work to be done or for materials and supplies to be furnished, sold, or leased to the district, if the board of directors first determines that an emergency exists warranting the expenditures due to specified conditions.

This bill would include contracts for the furnishing, sale, or lease of equipment to the district within the above-described exclusion from prescribed bidding provisions. This bill would include an accident or failure of a contractor to perform within the specified conditions which permit the exclusion from the prescribed bidding provisions. This bill would impose a state-mandated local program by requiring the board of directors to make written findings that the emergency exists.

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

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

Ch. 199 (AB 2889) Moore. Telephone corporations: area codes

Under existing law, the regulation of the services and commodities furnished by public utilities, including telephone and telegraph corporations, is vested in the Public Utilities Commission.

This bill would require any telephone corporation to give specified notices and to conduct public meetings prior to establishing a new area code. It would also require a telephone corporation which establishes a new area code, to provide for a transitional period during which a telephone number in the new area code may be reached by dialing either the old area code or the new area code, if an area code is required, permit callers to reach a telephone number in the new area code by dialing the old area code without charge for the call, and provide a recorded announcement that will inform the caller of the new area code.

The bill would also provide that the rate structure of any call originating in or made to an area code shall not change with the split of an area code into two or more area codes.

Ch. 200 (SB 2397) Craven. Real estate.

Existing law requires an appraisal of each parcel of real property which relates to a real property security agreement to be made by a real property securities dealer or an independent appraiser unless the purchaser of the obligation indicates on a specified form that he or she will obtain his or her own appraisal.

The bill would require the appraisal to be made unless the purchaser states to the dealer in writing that he or she will obtain his or her own appraisal and would require a copy of an appraisal made by the dealer or his or her agent be delivered to the purchaser prior to the time the purchaser becomes obligated

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Ch. 201 (SB 1766) Alquist. Trial court funding: participation: notice.

Existing law requires a county to notify the state of its decision to participate in the program of state funding of trial courts on a yearly, county-option basis by transmitting to the Secretary of State and the Controller a resolution, agreeing without qualification or condition to be bound by the Brown-Presley Trial Court Funding Act.

This bill would delete the requirement that the resolution be transmitted to the Secretary of State.

Ch. 202 (SB 1867) Boatwright. Courts: Contra Costa County.

(1) Existing law provides a salary plan for regular official reporters and for the compensation of regular official reporters pro tempore of the superior court in Contra Costa County, as specified.

This bill would revise the salary plan and compensation of superior court reporters in Contra Costa County.

(2) Existing law provides for the number, compensation, and classification of municipal court personnel in Contra Costa County.

This bill would revise the number, compensation, and classification of municipal court personnel in Contra Costa County.

(3) This bill would make related and conforming changes to these provisions.

(4) This bill would create a state-mandated local program by requiring a higher level of service under an existing program.

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

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

Ch. 203 (SB 1944) Lockyer. Parking offenses: penalties.

Existing law requires the judges in each county to establish a bail schedule for bailable offenses, allows a county to establish designated surcharges on parking offenses, which surcharges are required to be included in the bail schedule, and requires the parking penalty imposed under Vehicle Code provisions for processing parking violations to be established by the agency issuing the notice of parking violation in the same amount as the bail and surcharges.

This bill would provide that the bail, penalties, and surcharges for parking violations under the Vehicle Code shall be established by a court under the bail schedule and the surcharge provisions.

Ch. 204 (SB 39) Davis. Civil liability.

Under existing law, in any action for indemnity or damages arising out of the professional negligence of a person licensed as a professional architect, engineer, or land surveyor, the plaintiff's attorney is required to attempt to obtain consultation with at least one professional architect, engineer, or land surveyor who is not a party to the action and file a certificate which declares why the consultation was not obtained or which declares that on the basis of the consultation the attorney believes there is reasonable and meritorious cause for filing the action. These provisions are operative only until January 1, 1992.

This bill would specify that actions for equitable indemnity fall within these provisions, regardless of whether professional or other negligence is specifically pleaded.

Ch. 205 (SB 2352) Deddeh. County employees retirement: benefits.

The County Employees Retirement Law of 1937, prescribes the method of calculating the amount of contributions that a member previously in public service shall pay in order to receive service credit and benefits based on that service.

This bill would provide that the monthly compensation earnable and the contribution rate at the time of election to purchase that service rather than the compensation first earnable and contribution rate at the time of county employment shall be used to calculate the required payment in the County of San Diego if the board of supervisors

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adopts the provision.

Ch. 206 (SB 2411) Dills. Alcoholic beverages: tied-house restrictions.

(1) Existing tied-house provisions of the Alcoholic Beverage Control Act generally prohibit certain alcoholic beverage licensees from having an interest in various other alcoholic beverage licensees. However, existing law authorizes the holder of a beer manufacturer's or winegrower's license to enter into a written contract to purchase advertising space and time from, or on behalf of, an on-sale licensee subject to certain other specified conditions, including a requirement that the on-sale licensee be the owner or lessee, or a wholly owned subsidiary of a lessee, of an arena, as described, that is located in a county of the 1st class.

This bill would authorize the holder of a beer manufacturer's or winegrower's license to enter into a written contract to purchase advertising space and time from, or on behalf of, an on-sale licensee who is the owner or lessee, or a wholly owned subsidiary of a lessee, of an arena that is located in the County of Alameda or the County of San Mateo.

(2) The bill would declare the necessity for a special statute.

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

Ch. 207 (SB 2668) Presley. Actions and proceedings.

(1) Existing law bars the discovery of an attorney's work product, except as specified.

This bill would provide that in an action between an attorney and his or her client or former client, no work product privilege exists if the work product is relevant to an issue of breach by the attorney of a duty to the attorney's client arising out of the attorney-client relationship.

(2) Existing law provides that judgment on default may be had in actions in which the defendant has been served as specified, and fails to answer the complaint.

This bill would require an application to enter default in such an action to be accompanied by an affidavit that specified conditions have been met. The bill would also provide that a default takes effect 10 days after the filing of the application, unless the defaulting party defends within that time.

Ch. 208 (SB 2737) McCorquodale. School district reorganization: bonded indebtedness.

Existing law, as set forth in the California Constitution, limits the maximum amount of any ad valorem tax on real property to 1% of the full cash value of the property, exempting from that limitation ad valorem taxes or special assessments to pay the interest and redemption charges on indebtedness approved by the voters prior to July 1, 1978. Existing law, as enacted by the voters of this state on June 3, 1986, further exempts from that limitation any bonded indebtedness for the acquisition or improvement of real property approved on or after July 1, 1978, by ⅔ of the votes cast by the voters voting on the proposition.

Existing law sets forth a procedure governing the reallocation of outstanding bonded indebtedness of a territory that is affected by the creation, annexation, or abolition of a school district, or a change in the boundaries of a school district. Existing law specifies that this procedure applies only to bonded indebtedness incurred prior to July 1, 1978.

This bill would provide that this procedure for the reallocation of bonded indebtedness would also apply to bonded indebtedness for the acquisition or improvement of real property approved on or after July 1, 1978, by ⅔ of the votes cast by the voters voting on the proposition. The bill would specify that this provision applies to any bonded indebtedness reallocation occurring after June 3, 1986.

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

Ch. 209 (SB 1308) Garamendi. University of California: research facilities.

Existing law authorizes the State Public Works Board to finance the construction, renovation, and equipping of research facilities on sites within the University of California. The law generally authorizes the board to issue certificates, revenue bonds, negotiable notes, or negotiable bond anticipation notes to finance the research facilities to the extent the Legislature, by statute, authorizes the total amount of debt instruments that

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may be used to finance the specific facility.

This bill would repeal a provision which authorizes the board to use financing of up to $250,000,000 until June 30, 1992, for the acquisition of land, buildings, related infrastructure, and equipment and the construction, renovation, and equipping of research facilities and related infrastructure for specified long-term scientific research facilities.

The bill would express the intent of the Legislature that it shall authorize the use of specified revenues for the acquisition, construction, renovation, equipping, and maintenance of University of California research facilities, as specified. The bill would provide that all increases in revenues received by the University of California derived from specified university research activities shall be available to the Regents of the University of California for the purpose of funding the capital costs and financing or refinancing of university research buildings, facilities, or equipment that have been specifically identified by statute. The bill would provide that the capital costs and financing or refinancing of university research buildings, facilities, or equipment are the responsibility of the regents, payable from university funds, as defined. These provisions would be applicable to the Regents of the University of California only if the regents adopt a resolution to that effect.

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

Ch. 210 (SB 1773) Alquist. Public agencies: information.

Existing law requires the governing body of each public agency, as defined, within 70 days after the commencement of its existence, to file with the Secretary of State a statement containing specified information about the public entity and its governing board and officers. Within 10 days after any change in the information, an amended statement is required to be filed.

This bill would require the statement and amended statements to be filed on forms prescribed by the Secretary of State.

Ch. 211 (SB 1939) Morgan. Birth certificates: social security numbers.

Existing law specifies the information to be included in certificates of live births and requires local registrars to collect the specified information. Existing law also specifies that a section of the certificate of live birth which contains certain medical and social information is confidential and that access to the contents of that section shall be limited to specified persons, including State Department of Health Services staff.

This bill would require the confidential section of a certificate of live birth to contain an indication of whether or not the child's parent desires the automatic issuance of a social security number to the child, thereby expanding the duties of local registrars and imposing a state-mandated local program. This bill also would authorize the department to transmit to the Social Security Administration the information necessary for the issuance of a social security number to a child in a case where the child's parent has requested the issuance pursuant to the above.

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

The bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 212 (SB 1976) Morgan. Private postsecondary institutions: schools of cosmetology: Council for Private Postsecondary and Vocational Education.

(1) Existing law establishes the State Board of Cosmetology, the duties of which, among other things, are the licensing of schools of cosmetology. Existing law also establishes the Council for Private Postsecondary and Vocational Education which, commencing January 1, 1991, shall have responsibilities relating to the approval, for operation in the state, of private postsecondary or vocational educational institutions,

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including schools of cosmetology.

This bill would repeal a provision which, commencing on January 1, 1991, would have the effect of requiring the State Board of Cosmetology to monitor and enforce specified requirements relating to the maintenance and operation of schools of cosmetology which would be within the scope of the enforcement powers of the Council for Private Postsecondary and Vocational Education.

(2) Under existing law, schools of cosmetology are required to post with the State Board of Cosmetology a surety bond, as specified, in the amount of $5,000. Existing law also exempts schools of cosmetology from paying assessments, as specified, to be credited to the Student Tuition Recovery Fund in the State Treasury.

This bill would require schools of cosmetology to pay assessments to the Student Tuition Recovery Fund. The bill would also provide that schools of cosmetology which pay these assessments are not required to post a surety bond with the board.

Ch. 213 (SB 2019) Davis. Transportation planning: Ventura County.

Under existing law, 1% of the revenues allocated under the Mills-Alquist-Deddeh Act in Ventura County is required to be allocated to the Ventura County Transportation Commission for transportation planning and programming.

This bill would require that up to 2% of those revenues be allocated to that commission for that purpose.

Ch. 214 (SB 2055) Morgan. Transportation.

(1) $215,000,000 was appropriated by Chapter 1600 of the Statutes of 1985 to the Controller for allocation to counties and cities for street and highway maintenance and reconstruction. A county or city receiving an allocation is required to expend a specified amount (its base year expenditure) for maintenance or reconstruction and is required, with certain exceptions, to expend its allocation within one year of the disbursement. Under existing law, 8 specified cities may elect to expend a total of not less than 3 times their base year expenditure during the 2 years that they receive an allocation and the following fiscal year.

(2) Existing law requires cities making that election to so notify the Controller by a specified date, and defines expenditures as actual expenditures or contractual obligations.

This bill would provide that a city or county with a population of 40,000 or less which expends funds pursuant to that election by a specified date is deemed to have notified the Controller.

Ch. 215 (SB 2115) Leonard. Outdoor advertising: on-premises displays: farms.

Under existing law, every city and county having an ordinance or regulation relating to on-premises advertising displays is required to include provisions for the identification and inventory of illegal or abandoned displays and authorizes the city or county to impose fees on owners or lessees of on-premises displays for the costs of identification and inventorying.

This bill would permit a city or county to exempt from the payment of the fees so established the owner of a display identifying an achievement award, the name of a farm, or the name of a business for which the farm produces, if the display is located on an operating farm within an agricultural preserve, and the city or county makes a finding, as specified.

Ch 216 (SB 2510) Lockyer. Maintenance of the codes.

Existing law directs the Legislative Counsel to advise the Legislature from time to time as to legislation necessary to maintain the codes.

This bill would restate existing provisions of law to effectuate the recommendations made by the Legislative Counsel to the Legislature for consideration during 1990 and would not make any substantive change in the law.

Ch. 217 (AB 1683) Clute. Vehicles: weight limits.

(1) Existing law prescribes weight limits for the highway operation of vehicles and

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makes violations of those provisions a crime.

This bill would require any person or business having an axle weight scale at its loading facilities, upon the request of the driver, to weigh any load being transported before the vehicle leaves the facility, except as specified, thereby imposing a state-mandated local program by creating a new crime.

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

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

Ch. 218 (AB 2504) Wright. Los Angeles County retirement: election of plan coverage by new hires.

Existing provisions of the County Employees Retirement Law of 1937 authorize Los Angeles County to adopt, by resolution, an alternative, optional, noncontributory retirement plan, designated Retirement Plan E, for general members, as specified, and requires employees hired after the effective date of that plan to elect, subject to specified time limitations, coverage by Plan E or the previous plan, commonly known as Plan D, however, no provision is made for new hires who fail to elect either plan.

This bill would require employees hired, and persons becoming eligible for membership, on or after January 1, 1991, to elect, subject to specified time limitations, coverage by Plan E or Plan D, and deem those failing to do so make an election and those who die before making an election to have elected coverage by Plan E. This bill would require the employer to provide new members with specified written materials. The resulting costs to the employer would constitute state-reimbursable, state-mandated local costs.

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

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

Ch. 219 (AB 2839) Tucker. County retirement: membership categories.

(1) Under existing provisions of the County Employees Retirement Law of 1937, the duties of various job titles are designated as active law enforcement for purposes of eligibility for increased safety member retirement benefits.

This bill would include additional job titles within the active law enforcement duty classification for purposes of increased safety member retirement benefits in the County of Los Angeles. The resulting increased costs to county retirement systems would constitute state-mandated local program costs.

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

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

Ch. 220 (AB 2998) O'Connell. Education: school district governing boards.

Under existing law, the governing board of a school district maintaining one or more high schools must appoint to its membership one or more nonvoting pupil members if the pupils of the district's high schools petition the governing board requesting appointment of pupil members.

This bill would require that pupil members be given preferential voting rights if the pupils of the district's high schools petition for those rights, and would define preferential voting.

Ch. 221 (AB 3120) Lempert. Language development specialists.

Existing law requires the Commission on Teacher Credentialing to grant a certificate of competence as a language development specialist to any teacher in kindergarten to

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grade 12, inclusive, who meets specified competency standards. Existing law specifies that a teacher who holds a valid California teaching credential may demonstrate the required competencies by either successfully completing an approved college or university training program and passing the approved state examination or by having specified teaching experience and passing the approved state examination. Existing law also authorizes persons holding a valid California teaching credential to make direct application to the commission to take the examination if they meet certain requirements.

This bill would authorize persons holding a valid California teaching credential to make direct application to the commission to take the state examination at any time, whether or not they have met the specified requirements, but would require the candidate to have met at least one of the specified requirements before a language development specialist certificate may be issued.

Ch. 222 (AB 3194) Floyd. Extradition.

Existing law makes it a misdemeanor for any public officer or other person to be paid compensation, a fee, or a reward for certain services related to extradition, except as specified.

This bill would also make it a misdemeanor to be paid a profit for these services, thereby imposing a state-mandated local program, and would specify that a corporation or firm is included in the prohibition.

This bill would declare that the bill does not constitute a change in, but is declaratory of, the existing law.

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

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

Ch. 223 (AB 3485) Epple. Crimes: street gangs.

Existing law, under the Street Terrorism Enforcement and Prevention Act, provides that any person who actively participates in any criminal street gang with knowledge that its members engage in, or have engaged in, a pattern of criminal gang activity, and who willfully furthers, or assists in, any criminal conduct by members of that gang, shall be punished, as specified.

Existing law under these provisions also provides that every building or place, other than residential buildings in which there are 3 or fewer dwelling units, used by members of a criminal street gang for the purpose of committing specified offenses, and every building or place, other than residential buildings in which there are 3 or fewer dwelling units, where that criminal gang conduct takes place, is a nuisance.

This bill would delete "other than residential buildings in which there are 3 or fewer dwelling units" from those provisions, thereby including those dwelling units in the nuisance provisions.

Ch. 224 (AB 3761) Ferguson. Joint powers agreements.

Under existing law, "public agency" is defined for purposes of indicating those entities which may enter into a joint powers agreement.

This bill would include, but not be limited to, a county superintendent of schools and regional transportation commission within that definition.

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

Ch. 225 (SB 435) Dills. California State Lottery.

(1) Existing law does not require that, in civil actions against the California State Lottery, process be served upon the Director of the California State Lottery at lottery headquarters.

This bill would specify that in any action brought against the director, the California State Lottery Commission, or the lottery, all civil process and any subpoena for the production of lottery records shall be served upon the director or his or her designated representative at lottery headquarters in Sacramento.

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(2) The California State Lottery Act of 1984, an initiative measure, provides that the Legislature may amend the act to further the act's purposes with a ⅔ vote of each house.

This bill, which would declare that it furthers the purposes of the act, would therefore require a ⅔ vote.

Ch. 226 (SB 1886) Craven. County facilities: construction contracts.

Existing law authorizes a county board of supervisors to authorize the county engineer, or other county officer, to order changes or additions in work performed under construction contracts, subject to specified limitations as to the cost of the changes or additions thus authorized. Specifically, existing law limits the cost of changes that may be thus authorized to $5,000 when the original amount of the contract does not exceed $50,000, or to no more than 10% of the total amount of a contract whose original cost is between $50,000 and $250,000.

This bill would not affect existing law as to changes on original contracts costing between $50,000 and $250,000. However, as to contracts whose original cost exceeds $250,000, this bill would raise the limit on changes and additions which could be authorized by the county engineer, or other county officer, from $25,000 to $100,000. The bill would also provide a formula for calculating the limit on extra costs for changes and additions relating to contracts whose original cost exceeds $250,000.

Ch. 227 (AB 3423) Mountjoy. Elections: candidates: filing fees.

Under existing law, candidates for specified offices must pay a fee for filing declarations of candidacy to the Secretary of State. The fee is a specified percentage of the first year salary for each office.

This bill would provide that "salary" means the annual salary for the office as of the first day on which a candidate may circulate nominating petitions in lieu of paying filing fees.

Ch. 228 (AB 2743) Hunter. Rancho California Water District: elections.

(1) Under existing law, districts organized pursuant to the California Water District Law are landowner voting districts, but the voting procedure may be changed to that of a resident voting district upon petition by registered voters when at least 50% of the assessable area within the district is developed for residential, industrial, or commercial use.

This bill would require all elections held after a specified transition period within the Rancho California Water District only to be conducted as resident voter elections. The bill would specify a transition period, ending in 2005, during which at each election one new director position would convert to a resident voter position, thereby imposing a state-mandated local program. The bill would require all directors elected by resident voters to be district residents and registered voters, and would require directors to continue to be elected on an at-large basis during the transition period. The bill would prescribe related procedures and requirements applicable to district elections.

The bill would make legislative findings and declarations as to the necessity for the bill.

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

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

Ch. 229 (AB 727) Jones. Housing programs: application rankings: emergency regulations.

Under existing law, the Department of Housing and Community Development is authorized to make deferred payment loans from bond proceeds transferred to the continuously appropriated Housing Rehabilitation Loan Fund for various housing programs. Existing law provides that these loans are subject to specified conditions, including, among others, the requirement that principal and accumulated interest is due and payable upon completion of the term of the loan. Existing law provides that these loans

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bear interest at the rate of 3% per annum on the unpaid principal.

This bill would provide that the loan applicant's ability to pay all or part of the 3% simple annual interest is not to be considered in determining the fiscal integrity of the rental housing development at the time of rating and ranking of an application.

Existing law provides that the award of funds by the department under the Rental Housing Construction Program be based on a quarterly ranking of applications.

This bill would require fund commitments by the department to be based on a ranking of applications which is required to occur at least once every 3 months until there are insufficient funds to make commitments according to these rankings.

Existing law authorizes the department to adopt, amend, or repeal emergency regulations to implement the provisions of a rental housing construction program with respect to loans made with general obligation bond proceeds. Existing law states that the adoption, amendment, or repeal of these regulations is conclusively presumed to be necessary for the immediate preservation of the public peace, health, safety, or general welfare as specified. Under existing law, this authority remains in effect until June 30, 1990.

This bill would extend this authority of the department until June 30, 1991.

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

Ch. 230 (AB 2538) Hansen. Water rights.

Under existing law, a petition for reconsideration of an order or decision of the State Water Resources Control Board in proceedings on an application to appropriate water or in a statutory adjudication of water rights is required to be filed within 30 days and the board is required to act on the petition within 60 days after the filing

This bill would require the board to act on the petition within 90 days of the adoption of the order or decision or sending of a specified notice.

Ch. 231 (AB 2596) Tanner. Waste management.

Chapter 1095 of the Statutes of 1989 recodified substantially all of the statutes relating to solid waste into the Public Resources Code and prescribed a new California Integrated Waste Management Board to administer the new law. Chapter 908 of the Statutes of 1989 authorizes the board to provide grants to local agencies with responsibility for waste management, in addition to cities or counties, for specified purposes; however, the provisions added by Chapter 908 were codified in an unrelated chapter of the new Integrated Waste Management Act of 1989. Also, Chapter 1260 of the Statutes of 1989 provided for fees for the board or enforcement agencies for specified permits and also required reports and applications, as specified, to be filed under penalty of perjury.

This bill would recodify most of the provisions added by Chapters 908 and 1260 into corresponding provisions added by Chapter 1095, except the application of Chapter 1260 to the board.

Ch. 232 (AB 2769) Epple. Vehicles: two-way left-turn lanes.

(1) Under existing law, the Department of Transportation and local authorities, with respect to highways under their respective jurisdictions, may designate 2-way left-turn lanes on highways, for use by vehicles making left turns in both directions from or into the highway, pursuant to the department's standards and specifications.

This bill would prohibit a vehicle from traveling in a 2-way left-turn lane for more than 200 feet while preparing for and making the turns or while preparing to merge into adjacent lanes of travel. Since, under other provisions, a violation of this prohibition would be a crime, the bill would impose a state-mandated local program

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

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

Ch. 233 (AB 2858) Frizzelle. Fireworks.

Existing law permits a person who possesses a pyrotechnic operator license to handle, supervise, or discharge (1) dangerous fireworks at public displays, and (2) pyrotechnic

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devices in connection with group entertainment productions, as specified.

This bill would require the State Fire Marshal to adopt regulations that identify and specify the scope of each class of pyrotechnic operator license. Under existing provisions of law, violation of these regulations would be a misdemeanor. This bill would, therefore, impose a state-mandated local program, by creating a new crime. The bill would permit a person who possesses a pyrotechnic operator license, in addition, to handle, supervise, or discharge pyrotechnic devices in connection with motion picture productions. It would make a conforming change.

Under existing law, the State Fire Marshal is required to administer provisions regarding fireworks and pyrotechnic devices, including, but not limited to, the registration of emergency signaling devices.

Existing law requires that the application for registration of each model of emergency signaling devices be made to the State Fire Marshal along with a registration fee of $25. Existing law also provides that original and annual renewal fees for fireworks not exceed the amount necessary to cover the costs incurred in the administration and enforcement of the law regulating fireworks and pyrotechnic devices.

This bill would, instead, require that the original and annual renewal application be made to the State Fire Marshal along with a registration fee established and collected by the State Fire Marshal.

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

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

Ch. 234 (AB 3196) N. Waters. Trial court funding.

Existing law authorizes only the superior court judge in a specified county which has only one justice court judge who serves less than ½ time, as determined by the Judicial Council, to sign the resolution, on behalf of the judges of the county, requesting trial court funding from the state.

This bill would revise that provision to apply to a county which has only one justice court judge who serves ½ time, as determined by the Judicial Council.

Ch. 235 (AB 3240) Frazee. Records: destruction.

Existing law provides that prior to the destruction of any court papers and records which are open to public inspection, the clerk of the superior court shall give notice of the proposed destruction to specified entities, including any city or county museum in the county, or any university or college located in this state.

This bill would require notice of the proposed destruction to also be given to any city or county archive in the county, and any nonprofit, privately endowed library or research institution or state or local historical society which meets specified requirements. Furthermore, the bill would require a university to be regionally accredited and a college to be a 4-year college before the entity would be eligible to receive the notice.

Existing law also provides, except as specified, that court records and papers shall be permanently transferred to any specified entity that requests them within 60 days after notice has been given, upon written order of the presiding judge.

This bill would provide that requests for documents may be made within 6 months after notice has been given, would specify the disposition of records and papers that are requested by 2 or more entities or that are no longer desired by an entity possessing them, and would impose specified access requirements on entities who wish to receive records and papers.

The bill would also provide that any person, as defined, who willfully fails to notify, as specified, or who willfully engages in the sale or commercial exploitation of any original records that have been transferred, is guilty of a misdemeanor.

This bill would impose a state-mandated local program upon local governments by imposing new duties on court personnel and by creating a new crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish proce-

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dures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs or mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

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

However, the bill would provide that, if the Commission on State Mandates determines that this bill contains other costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be payable from the State Mandates Claims Fund.

Ch. 236 (AB 3391) Ferguson. State military service: memorial medal.

Under existing law, various decorations are authorized to be presented to members of the California National Guard, the State Military Reserve, and the Naval Militia.

This bill would authorize the posthumous presentation of the Memorial Medal to a member of the National Guard, State Military Reserve, or Naval Militia who is killed in the service of the state or the United States.

Ch. 237 (AB 3472) Chandler. Local agency reorganization: Butte County.

The Cortese-Knox Local Government Reorganization Act of 1985 establishes procedures for the change of organization and reorganization of entities of local government. Existing law also requires that a statement and map or plat be filed with each assessor whose roll is used for tax or assessment levies and with the State Board of Equalization on or before January 1, for the creation of, or change in, the boundaries of a city, district, or zone to be effective for assessment or taxation purposes.

This bill would state the findings and declarations of the Legislature and would provide that the annexation of certain surrounding areas by the El Medio Fire Protection District, as approved by the Butte County Local Agency Formation Commission in December 1989, shall be effective for assessment and taxation of the district's special tax approved by the voters in 1980 for the 1990–91 fiscal year under specified conditions.

The bill would make legislative findings and declarations with regard to the need for a special law applicable to the El Medio Fire Protection District.

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

Ch. 238 (AB 3890) Mojonnier. Alcoholic beverages: special on-sale general license.

Under the Alcoholic Beverage Control Act, the Department of Alcoholic Beverage Control may issue a special on-sale general license to any nonprofit theater company which meets specified requirements. Theater companies holding a license pursuant to these provisions may only sell and serve alcoholic beverages to ticketholders during, one hour prior to, and one hour after, a bona fide theater performance of the company.

This bill would permit such a theater company to sell and serve alcoholic beverages 2 hours prior to a theater performance.

Ch. 239 (AB 3899) Mountjoy. Affidavits of registration.

Existing law imposes misdemeanor penalties upon any person who knowingly or negligently interferes with the prompt transfer of a completed affidavit of registration to the county clerk, or denies a voter the right to return his or her own completed registration card to the county clerk, among other things.

This bill would change the reference in these provisions from county clerk to county elections official.

Ch. 240 (AB 4215) Isenberg. Property taxation: revenue allocation: special districts.

Existing property tax law provides for the establishment of a Special District Augmentation Fund in each county for the purpose of augmenting the revenue of special districts from property tax revenues. The moneys in that fund are derived from a reduction, computed pursuant to a specified formula, in the amount of property tax revenue that would otherwise have been allocated to each special district, except as

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specified, under those provisions of law governing the allocation of property tax revenues to jurisdictions generally.

This bill would provide, with regard to Sacramento County and special districts located therein, as defined, that property tax revenue allocations to those districts for the 1989–90 and 1990–91 fiscal years be made in accordance with specified court decisions, and that allocations for the 1991–92 fiscal year and each fiscal year thereafter be made in accordance with specified provisions of the bill. It would also provide, notwithstanding existing provisions, that property tax revenue allocations to special districts, as defined, for the 1990–91 fiscal year and each fiscal year thereafter, shall be subject to the bill's provisions. It would provide, for the 1991–92 fiscal year, that property tax revenue allocations to special districts within Sacramento County be reduced by a specified amount. It would provide, for the 1992–93 fiscal year and each fiscal year thereafter, for an allocation of property tax revenues to special districts, as defined, based on allocations in prior years. For the 1991–92 fiscal year, and each fiscal year thereafter, it would provide that each special district's annual tax increment shall be the sum of each district's share of property tax growth revenues as specified, and the special district's property tax revenue for the 1990–91 fiscal year as adjusted by a specified ratio. By requiring the implementation of new procedures and calculations in the allocation of property tax revenues, this bill would impose a state-mandated local program.

This bill would contain findings as to the necessity of a special statute.

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

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

Ch. 241 (SB 1911) Mello. Aging: elder abuse: reporting.

Under existing law, any elder or dependent adult care custodian, health care practitioner, or employee of a county adult protective services agency or local law enforcement agency who in his or her professional capacity observes an incident of physical abuse to an elder or dependent adult, observes a physical injury which clearly indicates that physical abuse has occurred, or is told by an elder or dependent adult that he or she has experienced physical abuse, is required, among other things, to report the incident to the Department of Aging long-term care ombudsman coordinator or a law enforcement or other appropriate agency.

Existing law specifies that any person who fails to report an instance of elder or dependent adult abuse which he or she knows to exist or reasonably should know to exist, as required by law, is guilty of a misdemeanor.

This bill would instead specify that any person who fails to report an instance of elder or dependent adult abuse, as required by law, is guilty of a misdemeanor. By creating a new crime, this bill would impose a state-mandated local program.

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

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

Ch. 242 (SB 2005) Kopp. Highways: disposition of property.

(1) Existing law authorizes the Department of Transportation to acquire real property for highway purposes, and prescribes the manner of disposing of property acquired but not needed for highway purposes.

This bill would require the department to convey to the City and County of San Francisco, at no cost, real property acquired for a portion of Route 280 which was subsequently withdrawn from the National System of Interstate and Defense Highways, for use by the City and County of San Francisco for substitute transportation projects, as specified.

The bill would make legislative findings and declarations.

(2) Existing law authorizes the department, under specified conditions, to lease to specified public entities, certain described real property in the City of San Diego for $1

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per month, for emergency shelter or feeding program purposes, if there is no buyer for the property.

This bill would, instead, authorize the department to lease that property to those entities for $1 per month for those purposes, if the property was acquired for state highway purposes and is not excess property. It would remove the requirement that there be no buyer for the property. The bill would make a conforming change in a related provision of existing law.

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

Ch. 243 (SB 2161) Leonard. Subdivisions: Department of Water Resources.

Existing law permits the Department of Transportation to file with the legislative body of any local agency having jurisdiction, a map or an amended map of any territory within one mile on either or both sides of any state highway routing in which territory it believes a proposed subdivision would have an effect upon an existing state highway or a future state highway, and permits the department to make recommendations to the local agency, in connection with the tentative subdivision map it receives from the local agency, regarding the effect of the proposed subdivision upon the highway or highway route.

This bill would permit the Department of Water Resources to file with the legislative body of any local agency having jurisdiction, a map or amended map of any territory within one mile on either or both sides of any facility of the State Water Resources Development System in which territory it believes a proposed subdivision may have an effect upon any existing or planned future facility of the State Water Resources Development System.

The bill would require the city or county having jurisdiction to transmit to the department one copy of each tentative map of any proposed subdivision located within the territory outlined on the territorial map, thus imposing a state-mandated local program.

The bill would permit the department, after receiving a copy of a proposed subdivision map, to make recommendations to the local agency regarding the effect of the proposed subdivision upon the State Water Resources Development System or proposed additions thereto.

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

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

Ch. 244 (SB 2185) Royce. Accountants: administrative committee.

Existing law requires the State Board of Accountancy to appoint one administrative committee consisting of not less than 3 nor more than 5 public accountants and one administrative committee consisting of not less than 10 nor more than 12 certified public accountants.

This bill would require the board to appoint a single administrative committee consisting of both public accountants and certified public accountants in the numbers specified above, thereby combining the two administrative committees into one administrative committee. This bill would make related conforming changes.

Ch. 245 (SB 2433) Davis. Victims of crime: hearings.

Existing law authorizes indemnification by the State Board of Control of victims of crimes of violence for specified expenses, pursuant to specified procedures.

Under existing law, when a completed application for assistance has been made by a victim, a hearing is held by the board to determine whether to grant the victim's claim.

Under the Bagley-Keene Open Meeting Act, a meeting of a state body, as defined, is required to be open to the public, except where exempted by law.

This bill would specify that, notwithstanding the open-meeting requirements, the board would be permitted to exclude from a hearing on an application for assistance under this indemnification program which is the result of a crime against a minor or of a crime of sexual assault, all persons other than board members and members of its staff,

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the victim, the victim's parents or guardians, the victim's representatives, any witnesses, and other persons of the victim's choice. The bill would specify that the board would be prohibited from excluding persons from a hearing to which the bill applies if the victim or his or her representative requests that the hearing be open to the public.

The bill would provide that its provisions would remain in effect only until January 1, 1994, and as of that date would be repealed, unless a later enacted statute chaptered prior to January 1, 1994, deletes or extends that date.

Ch. 246 (AB 2638) Tucker. Crimes: juveniles.

Under existing law, generally, the public is not admitted to a juvenile court hearing. However, juvenile court hearings concerning petitions filed alleging the commission of specified offenses are open to the public.

Existing law generally prohibits the inspection of documents filed in a juvenile court proceeding or made available to the probation officer in making his or her report, or to the judge, referee, or other hearing officer by persons other than court personnel, the minor who is the subject of the proceeding, his or her parents or guardian, the attorneys for those parties, such other persons as may be designated by court order, and as specified.

This bill would provide that hearings on petitions alleging the commission of specified felonies related to intimidation of a witness or victim or influencing the testimony or material information pertaining to a crime, certain offenses relating to controlled substances, participation in criminal street gang activity which constitutes a felony, manslaughter, as specified, the commission of a drive-by shooting or the discharge of a weapon from or at a motor vehicle, and crimes committed with an assault weapon also are open to the public. This bill also would delete the requirement that certain listed crimes must have been committed by a minor who has attained the age of 16 years in order that the open hearing requirement be applicable.

This bill would include the district attorney among the persons authorized to inspect documents filed in a juvenile court proceeding and would delete the requirement that the district attorney must first file a declaration, as specified, to obtain access to those documents. This bill would also require that the charging petition, minutes of the proceedings, and the orders of adjudication and disposition of the court that are contained in a court file of a minor with regards to whom a petition is sustained for any offense specified in the above described provision requiring open hearings be available for public inspection subject to specified limitations. To the extent that this later requirement would impose additional duties on court personnel, this bill would impose a state-mandated local program. This bill would delete the January 1, 1991 repeal date applicable to requirements imposed on the superintendent of each school district and other public employees with respect to any pupil enrolled in a school in the school district who has been found by a court to have committed certain controlled substances or other offenses; by continuing these requirements indefinitely it would thereby impose a state-mandated local program. It would repeal the version of the provision relating to records scheduled to become operative on January 1, 1991.

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

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 247 (AB 719) Hannigan. White Slough: conservation and development.

(1) Under existing law, the San Francisco Bay Conservation and Development Commission has various powers and duties relating to protection of San Francisco Bay. Under existing law, there are no provisions expressly pertaining to development of White Slough in Solano County and the City of Vallejo.

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This bill would enact the White Slough Protection and Development Act to require the City of Vallejo and the County of Solano to jointly adopt by June 30, 1991, a White Slough Specific Area Plan consisting of specified elements, including a wetland enhancement segment for the area of White Slough, as prescribed. The bill would require the plan to provide for the minimum amount of fill necessary to widen State Highway Route 37 to a 4-lane highway and construct interchanges between State Highway Route 37 and State Highway Route 29 and Sacramento Street, and to provide for flood protection, waterflow, water quality, and wetland enhancement, as prescribed, and to include changes to the relevant local general and specific plans and necessary implementing ordinances. The bill would thereby impose a state-mandated local program.

The bill would require the plan to be approved by the commission in accordance with prescribed procedures and on the basis of specified criteria, and would require subsequent approval by the commission for any change in the plan or implementing ordinances. The bill would require the city, county, and commission to implement the plan, as prescribed, and would require specified state agencies to exercise their powers in a manner consistent with the plan The bill would permit the commission to issue a permit for the prescribed White Slough Project only if the work is consistent with the plan and prescribed requirements have been met.

The bill would make legislative findings and declarations.

(2) Under existing law, the commission has adopted the San Francisco Bay Plan, as prescribed.

This bill would revise the description of plan elements and would permit the plan to incorporate special area plans with more specific findings and policies or addressing special needs. The bill would require any change to the plan to be made exclusively in accordance with prescribed procedures.

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

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

Ch. 248 (AB 809) Bates. Easements: vacation: vehicular and nonvehicular trails.

The existing Public Streets, Highways, and Service Easements Vacation Law prescribes procedures for the abandonment or termination of public streets and highways, specifying that a public entity may reserve an easement for specified purposes when a street or highway is vacated.

This bill would permit a public entity to reserve and except from the vacation of a street or highway, or grant to another state or local public agency, an easement for vehicular or nonvehicular trails for public use. If an easement for vehicular or nonvehicular trail use is granted to another public entity, that easement would not be terminated upon the subsequent vacation of a street, highway, or public service easement, unless the grantee public entity, by resolution, abandoned the easement.

Ch. 249 (AB 2601) Tucker. Juveniles.

Existing law provides that the commission of any of one or more specified offenses by a minor when he or she was 16 years of age or older raises a presumption that the minor is not a fit and proper subject to be dealt with under the juvenile court law, unless the juvenile court makes a finding of fitness, as specified.

This bill would add to those provisions the escape, by use of force or violence, from any county juvenile hall, home, ranch, camp, or forestry camp in violation of a specified provision where great bodily injury is intentionally inflicted upon an employee at the juvenile facility during the escape.

Because this bill would impose increased duties on local criminal justice systems that are equivalent to those imposed by the establishment of a new crime, it would create a state-mandated local program.

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

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

Ch. 250 (AB 2611) Lancaster. Credit unions.

Under existing law, if the Commissioner of Corporations finds, after a hearing unless waived, that a credit union has impaired capital, or is insolvent, or is operating in an unsafe or unsound manner, or has failed to insure accounts, the commissioner may take possession of the business and assets of the credit union as a conservator until the commissioner permits it to continue business, or its affairs are put in order, or it is finally liquidated.

This bill would permit the commissioner to take that action after notice and opportunity for a hearing. It would permit that action until the commissioner permits it to continue business, or its affairs are put in order, or it is finally liquidated, or until it is merged.

The bill would also authorize the commissioner to appoint a conservator.

Under existing law, the savings capital of a credit union consists of the payments made by members on shares. Existing law provides that the shares may be structured to include shares with a par value and shares with no par value.

This bill would delete the provision relating to the structuring of the shares.

Existing law requires a credit union to maintain a current written schedule or schedules containing, among other things, a statement of the circumstances under which a variation may occur if the rate of dividend may vary, and the method of determining the new rate of interest.

This bill would require the statement to set forth the method of determining the new rate rather than the new rate of interest.

Ch. 251 (AB 2640) Clute. Horseracing: horsemen's organization: breeders' awards.

(1) Existing law requires the California Horse Racing Board to allocate racing weeks between the northern, central, and southern zones. Existing law provides that the maximum number of racing weeks which may be allocated for quarter horse racing in the combined central and southern zones is 25 weeks per year. Existing law limits any association licensed to conduct quarter horse racing in the southern zone to no more than 15 weeks of that racing.

This bill would delete that limitation.

(2) Existing law requires an association other than a fair which conducts a quarter horse racing meeting, except a mixed breed meeting, to pay an amount equivalent to 2.5% of the portion deducted from the parimutuel pool for purses to the horsemen's organization contracting with the association with respect to the conduct of racing meetings for administrative expenses and services rendered to horsemen.

This bill would, instead, provide for the payment of an amount equal to the association's expenses, but not to exceed 3% of the portion deducted from the parimutuel pool.

(3) Under existing law, a specified percentage of the amount handled on quarter horse races at satellite wagering facilities is required to be distributed as breeder awards to breeders of quarter horses.

Existing law requires that a breeders' award equal to 5% of the winning horse's share be paid for all races won by California-bred quarter horses at all meetings in the state, except fair or mixed breed meetings.

This bill would delete fair meetings from that exception, and, thus, would make that provision applicable to fair meetings.

(4) Under existing law, various provisions require funds to be distributed to organizations representing horsemen for administrative expenses, for services provided to the horsemen, and for pension plans and welfare funds.

This bill would repeal these provisions on January 1, 1993. This bill would also require the board to conduct an audit of the financial books and records of horsemen's organizations that receive funds pursuant to designated provisions of the Horse Racing Law.

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

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Ch. 252 (AB 2665) Seastrand. County agricultural commissioners.

(1) Under existing law, county agricultural commissioners are required to make an annual report to the Director of Food and Agriculture on the condition of the agricultural interests in the county and on what is being done to eradicate, control, or destroy pests or to quarantine against pests.

This bill would, in addition, require the commissioner to include in the annual report information on what is being done to manage, rather than destroy, pests, and actions taken relating to the exclusion of pests. The bill would also require that the report include information relating to organic farming methods, biotechnology, integrated pest management, and biological control activities in the county. By expanding the information required to be included in the report, the bill would impose a state-mandated local program.

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

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund

Ch 253 (AB 2702) Eaves Charitable solicitations.

Existing law makes it a misdemeanor to intentionally or negligently make specified false statements, either orally or in writing, in soliciting or attempting to solicit money or property for a charitable, religious, or eleemosynary purpose

Exisiting law also provides that no person may be convicted of violating this law unless the statement is in writing or, if oral, unless the making or uttering of it is proven by the testimony of 2 witnesses.

This bill would provide instead that an offense charged in violation of this provision shall be proven by the testimony of one witness and corroborating circumstances.

Ch 254 (AB 2897) Hunter Counties: lease of real property

Existing law authorizes the board of supervisors, by ordinance or resolution, to delegate to the purchasing agent or other appropriate county official its authority to lease real property for use by the county for a term not to exceed 3 years and for a rental not to exceed $1,000 per month Existing law requires that notice of intention to consummate the lease be posted in a public place for 5 working days prior to consummation of the lease.

This bill would also permit the board to delegate to the purchasing agent or other appropriate county official, authority to lease real property for use by the county for a term not to exceed 3 years and for a rental not to exceed $2,500 per month and to amend all real property leases for improvements or alterations, or both, with a total cost not to exceed $2,500 under specified conditions.

Ch 255 (AB 2909) Polanco. Insurance: unlawful rebates.

Existing law prohibits certain persons in the business of insurance from receiving any financial benefit or other consideration for making referrals to automobile repair facilities.

This bill would provide that it is unlawful for any person to solicit, offer, pay, or receive any referral fee, as defined, for the referral of an individual for the furnishing of services or goods for which the person knows or should know whole or partial reimbursement is or may be made, directly or indirectly, by any insurer, except as specified. A violation would be a misdemeanor, thereby imposing a state-mandated local program.

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

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

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reason.

Ch. 256 (AB 3074) Lancaster. Insurance: theft of vehicle.

Existing law does not specify the contents of a claim form to be filed with an insurer by an insured for a claim arising from the theft of an insured motor vehicle.

This bill would require the filing of the claim to be on a claim form containing specified information. The bill would expand the scope of an existing crime by providing that false information made on the signed claim form by the insured is subject to the penalty of perjury.

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

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

Ch. 257 (AB 3370) Pringle. National Guard and State Militia: military interment ceremonies.

Under existing law, the Adjutant General may deliver to the family of a deceased member of the California National Guard or State Militia the national colors used during the disposition of the remains of the deceased member.

This bill would permit any colors used for that purpose to be delivered to the family.

Ch. 258 (AB 3741) McClintock. Minors: programs of supervision.

Existing law provides that whenever an officer refers or delivers a minor that the officer has taken into temporary custody to a public or private agency with which the city or county has an agreement or plan to provide shelter care, counseling, or diversion services, the agency is required to make an investigation immediately as it deems appropriate and to initiate a service program for the minor when appropriate

This bill would require that the service program, for any minor taken into temporary custody on the basis of alleged criminal conduct include constructive assignments that will help the minor learn to be responsible for his or her actions. The bill would specify that the assignments may include, but not be limited to, a requirement that the minor perform at least 10 hours of community service, repair damaged property or make other appropriate restitution, or participate in a program of counseling or education. This bill would provide that the minor or his or her parent or guardian may be required to reimburse the agency for the cost of the service program if he or she has the financial ability to pay the costs of the service program.

The bill also would provide equivalent requirements with respect to programs of supervision for minors alleged to have performed criminal acts delineated by probation officers and courts in lieu of adjudging these minors to be wards of the juvenile court.

Ch. 259 (AB 3784) Chandler. Crimes.

(1) Existing law provides that when an accusatory pleading is filed, the defendant shall be arraigned thereon before the court in which it is filed, unless the action is transferred to some other court for trial. However, existing law also provides that within any county, if the defendant is in custody, upon the approval of both the presiding judge of the court in which the accusatory pleading is filed and the presiding judge of the court nearest to the place in which he or she is held in custody, the arraignment may be before the court nearest to that place of custody.

This bill, in addition, would provide that, until January 1, 1996, notwithstanding any other provision of law, when an accusatory pleading is filed in Sierra County and the defendant is in the custody of Nevada County, he or she may be arraigned before a court in Nevada County.

(2) Existing law provides that the only pleading on the part of a defendant is either a demurrer or a plea. Existing law provides that both the demurrer and plea must be put in, in open court, either at the time of the arraignment or at such other time as may be allowed to the defendant for that purpose. Existing law also provides that the defendant may demur to the accusatory pleading at any time prior to the entry of a plea in

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specified instances.

This bill, in addition, would specify that the bill shall not interfere with the right of a defendant to demur to an accusatory pleading, as specified in these provisions of existing law.

Ch. 260 (AB 3839) Mountjoy. Initiative measures: filing.

Existing law provides that the right to file a statewide initiative petition is reserved to the proponents, and requires the county clerk to disregard any petition section presented by persons other than the proponents, except persons duly authorized in writing by the proponents.

This bill would make this exception applicable to persons duly authorized in writing by one or more of the proponents.

Ch. 261 (AB 3844) Murray. Crimes: graffiti.

Existing law provides penalties for certain unlawful acts, as defined, on or in the facilities or vehicles of specified entities.

This bill would provide that the affixing of graffiti on or in the facilities or vehicles of any governmental entity, or on or in the leased or rented facilities or vehicles for which any governmental entity is responsible, is unlawful.

Because this bill would create a new crime, and would increase the duties of county treasurers in crediting fines to the appropriate governmental entity, it constitutes a state-mandated local program.

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

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

Ch. 262 (AB 3957) Seastrand. Transportation of inedible kitchen grease.

(1) Existing law requires licensed renderers and registered transporters of inedible kitchen grease to record and keep certain information in connection with the receipt and transport of kitchen grease which is not intended for human food.

This bill would require these renderers and transporters of inedible kitchen grease to retain these records at their place of business, and would authorize any peace officer of this state, the Director of Food and Agriculture, or any employee of the Bureau of Meat and Poultry Inspection in the Department of Food and Agriculture to inspect these records, as prescribed.

The bill would make it a misdemeanor for any renderer or transporter to fail to keep the required records, or to set out in the records any required matter.

The bill would make it a misdemeanor for any renderer or transporter to fail, upon demand of any peace officer, the director, or employee of the bureau, to exhibit these written records, and would provide designated punishments for 1st and subsequent violations of this provision.

Existing law requires transporters of inedible kitchen grease to register with the department and requires that registration to include specified information.

This bill would, in addition, require that the registration include a list of names of the drivers who transport this grease and their drivers' license numbers.

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

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

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

Ch. 263 (SB 1984) Robbins. Holographic wills.

Existing law requires a will to be in writing, and to be signed and witnessed, as specified. Existing law provides that a will is valid as a holographic will if the signature and the material provisions are in the handwriting of the testator.

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This bill would provide that extrinsic evidence is admissible to determine whether a document is a will or to determine the meaning of a will, as specified. This bill would also provide that any statement of testamentary intent in a holographic will may be set forth either in the testator's own handwriting or as part of a commercially printed form will.

Ch. 264 (SB 1985) C. Green. Peace officers.

Existing law prohibits the unauthorized disclosure of the home addresses of specified peace officers contained in records maintained by the Department of Motor Vehicles as well as those in voter registration records. The home address is considered confidential if the peace officer requests confidentiality of that information.

Existing law also provides that peace officer personnel records, or information obtained from those records, are confidential However, the definition of personnel records does not specifically include home addresses.

This bill would change the definition of personnel records to include home addresses.

Ch 265 (SB 2104) Kopp. Transportation: bridges: seismic safety: retrofit and replacement

Under existing law, the Department of Transportation is generally responsible for the repair, restoration, and reconstruction of state highways and state-owned bridges. Existing law requires the department to develop revised seismic standards for earthquake resistance to be utilized in the design and construction of new state highways and bridges and for the retrofit of existing highways and bridges, and requires the department and the Counties of Los Angeles and Santa Clara, as lead agencies, to inspect and develop seismic retrofit projects for publicly owned highway and road bridges. Existing law requires the California Transportation Commission to allocate funds for those projects.

This bill would, in addition, require the department to prepare an inventory of all state-owned bridges which require strengthening or replacement to meet specified seismic safety standards, and to prepare a multiyear plan and schedule, together with cost estimates, for completing the retrofitting or replacement of all of those bridges. The bill would require the department to submit the plan, schedule, and cost estimates to the Governor and the Legislature by January 1, 1991. The bill would declare the Legislature's intent to appropriate funds necessary to carry out the requirements of the bill.

Ch. 266 (SB 2629) Bergeson. Vehicles: traffic rules.

Existing law authorizes the Department of Transportation and local authorities to establish exclusive or preferential use lanes for high-occupancy vehicles. Existing law requires the approval of the county transportation commission for those lanes in its territory, and, specifies the disposition, among local entities, of fines and forfeitures collected for violations of provisions of law relating to exclusive or preferential traffic lanes, including a requirement that agencies authorized to approve high-occupancy vehicle lanes use the money for specified purposes.

This bill would specify that the authorized agency for those purposes relating to use of the money from fines and forfeitures in counties having a county transportation commission is that commission.

Ch. 267 (AB 1716) Nolan. Schools: gang prevention curriculum.

Existing law requires the State Department of Education to prepare and distribute to school districts and county offices of education guidelines for incorporating in-service training in gang violence and drug and alcohol abuse prevention for designated school personnel, and requires the department, upon request, to assist school districts and county offices of education in developing comprehensive gang violence and drug and alcohol abuse prevention in-service training programs.

This bill would require the Office of Criminal Justice Planning, in collaboration with the State Department of Education, to develop a model gang violence suppression curriculum for grades 2, 4, and 6, as prescribed. The bill would authorize the Office of Criminal Justice Planning to contract with a county office of education for the develop-

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ment of the model curriculum, and would require the model curriculum to be made available to school districts and county offices of education on or before July 1, 1991.

This bill would require the Office of Criminal Justice Planning to develop an independent evaluation of the pupil outcomes of the model curriculum. The bill would require the Office of Criminal Justice Planning to submit interim reports to the Legislature on the results of the evaluation on or before December 1, 1992, and on or before December 1, 1994, and would require the submission of a final report on or before December 1, 1996.

The bill would state that its provisions shall be operative only to the extent that funds available to the Office of Criminal Justice Planning are reallocated for this purpose.

Ch. 268 (AB 2615) Quackenbush. Evidence: character of crime victim.

Existing law provides that evidence of the character or trait of character of the victim of a crime for which a defendant is being prosecuted is admissible if offered by the defense to prove conduct of the victim conforming to the character evidence or if offered by the prosecution to rebut the character evidence adduced by the defendant. Existing law provides that evidence of character or trait of character may be in the form of an opinion, evidence of reputation, or evidence of specific instances of conduct.

This bill would delete evidence in the form of specific instances of conduct from being admissible as evidence of the character or trait of character of the victim of a crime in the circumstance described above

Ch. 269 (AB 2629) Roybal-Allard. Sex offenses: testimony.

Under existing law, in any criminal prosecution for the crime of rape or the crime of unlawful sexual intercourse with a female under the age of 18 or an attempt to commit, or an assault with an attempt to commit these crimes, the jury is precluded from being instructed that it may be inferred that a person who has previously consented to sexual intercourse with persons other than the defendant would be therefore more likely to consent to sexual intercourse again.

This bill would expand this prohibition to prohibit a jury from being instructed that it may be inferred that a person who has previously consented to sexual intercourse with persons, including the defendant, would be therefore more likely to consent to sexual intercourse again. This bill would also provide that if evidence was received that the victim had engaged in consensual sexual intercourse with the defendant in the past, the jury shall be instructed that this may only be considered with regard to whether the victim consented to the act of intercourse with which the defendant is charged, or whether the defendant had a good faith reasonable belief that the victim consented to the act.

Ch. 270 (AB 2630) La Follette. Airports: emergency aircraft flights for medical purposes by law enforcement, fire fighting, military, or other persons.

Under existing law, public agencies which own and operate airports may adopt reasonable rules regulating the use of the airports.

This bill would exempt emergency aircraft flights for medical purposes by law enforcement, fire fighting, military, or other persons who provide emergency flights for medical purposes, from local ordinances adopted by a city, county, or city and county, that restrict flight departures to particular hours of the day or night, that restrict departure of aircraft based upon the aircraft's noise level, or that restrict the operation of certain types of aircraft It would require written information concerning the emergency to be submitted to the airport proprietor for all emergency aircraft flights for medical purposes, except flights for those purposes by law enforcement, fire fighting, or military personnel. The bill would permit any airport that incurs additional expenses in accommodating the arrival or departure of emergency aircraft flights for medical purposes to charge the patient on whose behalf the flight is made, or any organization which has volunteered to reimburse the airport, for those expenses. The bill would also make a statement of legislative intent with respect to its provisions.

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Ch. 271 (AB 2631) Roybal-Allard. Sex offenses: consent.

Existing law defines the term "consent" for the purpose of prosecution of designated sex offenses where consent is at issue.

This bill would specify that a current or previous dating relationship shall not be sufficient to constitute consent where consent is at issue in the prosecution of these designated sex offenses. The bill would also specify that this provision would not affect the admissibility of evidence or the burden of proof on the issue of consent.

Ch. 272 (AB 2651) Epple. Mobilehome parks: environmental quality.

Under existing law, the California Environmental Quality Act generally requires all local agencies to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on any discretionary project it intends to carry out or approve which may have a significant effect upon the environment. For purposes of this requirement, the discretionary project includes activities involving the issuance to a person of a subdivision map, except under specified circumstances.

This bill would exempt from the requirements of the California Environmental Quality Act the conversion of an existing rental mobilehome park to a resident initiated subdivision, cooperative, or condominium for mobilehomes if it will not expand or change the existing use of the property.

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

Ch. 273 (AB 2692) O'Connell. Peace officers.

Under existing law, every able-bodied person above 18 years of age who neglects or refuses to aid in taking, retaking, arresting, or confining any person when lawfully required by a uniformed peace officer or a judge under specified conditions is punishable by a designated fine.

This bill would expand these provisions to include peace officers who are employed by specified city, county, or state law enforcement agencies, or by other specified agencies, who identify themselves with a badge or identification card issued by their employing agency

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

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

Ch. 274 (AB 2709) Burton. Cosmetics: samples: inadvertent exposure.

Under existing law, the State Department of Health Services administers various provisions regulating the packaging, labeling, and advertising of food, drugs, and cosmetics, violation of which is a misdemeanor.

This bill would add a provision to this law to require that any fragrance advertising insert, as defined, in any newspaper, magazine, mailing, or other periodically printed material contain only microencapsulated oils and that glue tabs or binders be used. The bill would require paperstocks used in the manufacture of fragrance advertising inserts to have a maximum porosity, as specified. Since this bill would provide that distribution of a fragrance advertising insert in violation of this requirement would be an infraction, punishable by a fine not to exceed $100, this bill would create a new crime, thereby imposing additional law enforcement duties upon local law enforcement agencies.

This bill would become operative on January 1, 1992.

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

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

Ch. 275 (AB 2781) Bader. School districts: regulation by cities and counties.

Existing law requires that the governing board of a school district comply with any city or county ordinance regulating drainage improvements and conditions, regulating

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road improvements and conditions, or requiring the review and approval of grading plans as the ordinances relate to the design and construction of onsite facilities and improvements, and give consideration to ordinances relating to the design and construction of offsite improvements. These provisions are to be repealed on January 1, 1991, under existing law.

This bill would provide that school districts are only required to comply with provisions of city and county ordinances that relate to the design and construction of onsite improvements which affect drainage, road conditions, or grading.

This bill would extend these provisions indefinitely, thus imposing a state-mandated local program.

Existing law permits the governing board of a school district under specified conditions to render a city or county zoning ordinance inapplicable to a proposed classroom use of the property by the school district. A city or county may seek to nullify the school board action by challenging it in superior court on the basis that it was arbitrary and capricious. These provisions are to be repealed on January 1, 1991, under existing law.

This bill would extend those provisions indefinitely.

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

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 276 (AB 2786) Moore. Education: school employees

Existing law provides that classified employees are subject to layoff for lack of work or lack or funds. When a classfied employee is laid off, the order of layoff within the class is determined by length of service. Length of service credit may include time spent on military leave of absence, unpaid illness leave, unpaid maternity leave, or unpaid industrial accident leave.

This bill would provide that length of service credit may also include time spent on unpaid family care leave.

Ch. 277 (AB 2801) Hauser. Human remains: reburial of Native American remains.

Existing law makes every person who deposits or disposes of human remains in any place, except in a cemetery, guilty of a misdemeanor, except that cremated remains may be disposed of in other specified ways.

Existing law empowers the Native American Heritage Commission to assist interested landowners in developing agreements with appropriate Native American groups for treating or disposing, with appropriate dignity, of the human remains and any items associated with Native American burials, as well as to implement those agreements.

Existing law also requires the commission whenever it receives notification of a discovery of Native American human remains from a county coroner, to immediately notify those persons it believes to be most likely descended from the deceased Native American. The descendants may, with the permission of the owner of the land, or his or her authorized representative, inspect the site of the discovery of the Native American remains and may recommend to the owner or the person responsible for the excavation work means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods.

This bill would exempt the reburial of human remains under such an agreement or recommendation from the misdemeanor provisions referred to above.

Ch. 278 (AB 2803) Hauser. Parole eligibility.

Existing law sets forth certain enumerated rights of victims of crimes, including the right of the victim or the victim's next of kin to be notified of, and appear at, any parole eligibility hearing. The Board of Prison Terms is required to consider the statements of

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victims and their next of kin in deciding whether to release the prisoner involved on parole.

This bill would extend the right to appear at the hearing to 2 members of the victim's immediate family, or more, within the discretion of the board in a specified order of preference. This bill would require the board to consider statements from members of the victim's immediate family in deciding whether to release the prisoner on parole.

This bill would also permit a victim, his or her next of kin, or any immediate family member to bring another person of their choosing to a parole suitability hearing for support who would not be permitted to participate nor comment.

This bill would permit the board to allow the victim, his or her next of kin, or immediate family member to submit a written, audiotaped, or videotaped statement at the parole eligibility hearing or setting under specified conditions, which would be considered in reaching a decision. The board is required to include in its report a statement regarding whether the prisoner would pose a threat to public safety if released on parole. The board is not responsible for providing equipment or resources to assist the victim in preparing a statement.

This bill would amend an initiative measure, and therefore would require a ⅔ vote.

Ch. 279 (AB 2805) Hauser. Rates: out of service facilities.

Existing law permits the Public Utilities Commission, in establishing rates for any electrical, gas, heat, or water corporation, to eliminate consideration of the value of any portion of any electric, gas, heat, or water generation or production facility which, after having been placed in service, remains out of service for 9 or more consecutive months, and to disallow any expenses related to that facility.

This bill would provide that, for the purposes of this provision, out-of-service periods shall not include planned outages of predetermined duration scheduled in advance.

Ch. 280 (AB 2853) Allen. Gang suppression.

Under existing law, the Gang Violence Suppression Program, which is administered by the Office of Criminal Justice Planning, provides financial and technical assistance for district attorneys' offices, local law enforcement agencies, county probation departments, school districts, county offices of education, and community-based organizations which are primarily engaged in the suppression of gang violence, as specified.

This bill would include, with regard to the implementation of the Gang Violence Suppression Program, legislative declarations and findings concerning funding of the program, and would specify a priority system which the Office of Criminal Justice Planning may use in awarding new grants to applicants.

Ch. 281 (AB 2855) Chandler. Camp Far West Irrigation District.

Under existing law, voters in the Camp Far West Irrigation District are required to be owners of land in the district and are entitled to one vote for each dollar's worth of land to which the voter holds title. Under existing law, directors of irrigation districts are generally required to be district residents.

This bill would permit any landowner within the Camp Far West Irrigation District to be a director of that district.

The bill would make legislative findings and declarations.

Ch. 282 (AB 2937) Johnson. Highways: motorist aid system: call boxes.

Existing law authorizes the establishment in any county of a service authority for freeway emergencies to administer a motorist aid system of call boxes. A service authority is authorized to impose a fee, not to exceed $1 per year, on each vehicle registered in the county and to use the proceeds thereof for the implementation, maintenance, and operation of the system on state freeways, state highways, and county expressways located in the county and over which the Department of the California Highway Patrol has law enforcement responsibility.

This bill would, in addition, allow proceeds of the fee to be used for call boxes on state freeways, state highways, and county expressways over which an agency designated by the department has law enforcement responsibility.

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Ch. 283 (AB 2947) Harris. Alameda-Contra Costa Transit District: retirement funds.

Existing law authorizes the Alameda-Contra Costa Transit District to maintain its own retirement fund. Investment of the fund is subject to the terms, conditions, limitations, and restrictions imposed by law on banks and on corporations authorized or licensed to do banking business.

This bill would, instead, make investment of the fund subject to 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.

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

Ch. 284 (AB 2971) Statham. State employees: annual leave.

Existing provisions of law specify that the Department of Personnel Administration may provide for vacation, sick leave, and bereavement leave benefits, including a lump-sum payment for any amount of accumulated leave, with respect to state employees who are supervisory employees, specified civil service employees or nonelected officers of the state government who are not members of the civil service.

This bill would include annual leave within these provisions.

Ch. 285 (AB 2984) Floyd. Department of Consumer Affairs.

Existing law gives the Director of Consumer Affairs the power and duty to represent and protect the consumer's interest and to administer and enforce the Consumer Affairs Act. Existing law authorizes the director or any officer or employee designated by the director, or the Attorney General, to commence legal proceedings under specified conditions.

This bill would specifically require the director's permission before any board, commission, examining committee, or other agency within the department may institute or join any legal action against any other agency within state or federal government.

The bill would provide that if a request is not acted upon within 30 days it shall be deemed approved. If a request is disapproved an agency may override the denial by a ⅔ vote of its members, as specified.

Ch. 286 (AB 3009) McClintock. Driving offenses: alcohol or drugs.

Under existing law, a first offense of driving under the influence of alcohol, any drug, or the combined influence of alcohol and any drug, with 0.08% or more, by weight, of alcohol in the blood, or while addicted to the use of any drug is punishable by imprisonment in the county jail for not less than 96 hours nor more than 6 months, and a specified fine The imprisonment may be served on days other than the regular employment days of the offender.

This bill would require that at least 48 hours of the imprisonment be served continuously, on days other than the days of the person's regular employment, as specified.

Ch. 287 (AB 3078) McClintock. Mortgages and deeds of trust: power of sale: disposition of proceeds

Existing law specifies that the gross proceeds received at the sale of real property pursuant to the exercise of a power of sale under a mortgage or deed of trust are applied first to pay the costs of foreclosure, then to the payment of the foreclosed obligation, then to satisfy obligations secured by junior liens or encumbrances in the order of their priority, and then to the trustor or the trustor's successor in interest. Existing law requires the trustee, if, within 30 days of the execution of the trustee's deed, the trustee has notice that there are conflicting claims to the sales proceeds, to send written notice to all persons with recorded interests in the property and certain others that the sale has taken place, that he or she may have a claim to the proceeds remaining, as specified. Existing law provides that if, after due diligence, the trustee is unable to determine the priority of claims or if there is a conflict between potential claimants, the trustee may file a declaration of the unresolved claims and deposit that portion of the proceeds that cannot be distributed with the clerk of the superior court in the county in which the

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sale took place, as specified. Prior to that deposit the trustee is required to send a written notice to the persons entitled to notice specified above informing them that if they are not satisfied by a distribution of sales proceeds they must file a claim for the funds with the superior court within 30 days from the date of the notice.

This bill would provide that, unless an interpleader action has been filed, the trustee is required to send written notice that the sale has taken place and of a potential claim to the proceeds within 30 days of the execution of the trustee's deed resulting from a sale in which there are proceeds remaining, as specified, to the persons specified above, without regard to whether the trustee has notice that there are conflicting claims to the proceeds of the sale. This bill would specify that the deposit may be with the clerk of the superior or municipal court and may be for either the total proceeds of the trustee's sale, if conflicts exist with respect to the total proceeds, or that portion that cannot be distributed after due diligence, as defined. The bill would specify that nothing in these provisions restricts the ability of a trustee to file an interpleader action, as specified, and that once an interpleader action has been filed these provisions do not apply. The bill also would make related changes.

Ch. 288 (AB 3149) Jones. Pesticide residue.

(1) Existing law provides for the establishment of permissible tolerances for any pesticide chemical added to produce, by the Director of Food and Agriculture upon making specified findings. Existing law authorizes the director to seize and hold any lot of produce which carries or shows indication of pesticide residue or other added deleterious ingredients or which the director suspects of carrying the residue or deleterious ingredients, and provides for notification of owners or bailees as to the results of any analysis of the lot of produce.

This bill would include unharvested produce that is within one week of being in a harvestable condition within those provisions, and would authorize the director to sieze and hold any produce which carries, or is suspected of carrying, pesticide residue or other added deleterious ingredients in violation of those provisions dealing with produce which carry pesticide residue and regulations adopted pursuant thereto, and would make conforming changes.

(2) Under existing law, the director or any county agricultural commissioner is authorized to prohibit the harvest of any produce when there has not been compliance with a preharvest interval specified in the registered labeling of a pesticide applied to the produce.

This bill would also permit the director or any commissioner to seize and hold any lot of produce under these conditions. The bill would require that the seized lots of produce be held until the preharvest interval has expired and the director has determined that any pesticide residue is within a permissible tolerance.

Ch. 289 (AB 3168) Frazee. Criminal procedure: electronic pleadings.

Existing law provides that a criminal prosecution may be commenced by filing an accusatory pleading in electronic form with the magistrate or in a court having authority to receive it, provided specified conditions are met, including a condition that the accusatory pleading be issued in the name of, and transmitted by, a public prosecutor or law enforcement agency filing pursuant to specified provisions.

This bill would revise the above condition to provide that the accusatory pleading may also be issued in the name of, and transmitted by, a clerk of the court with respect to complaints issued for the offenses of failure to appear, pay a fine, or comply with an order of the court.

Ch. 290 (AB 3260) Floyd. Horseracing: veterinarians.

(1) The existing Horse Racing Law provides for the regulation of horseracing in the state, including the regulation of persons carrying on activities in connection with horseracing.

This bill would prohibit a veterinarian from administering medications to any horse entered in the same race in which a horse is entered that the veterinarian owns or trains. Since, under existing law, a violation of this provision would be a misdemeanor, the bill

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would impose a state-mandated local program by creating a new crime.

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

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

Ch. 291 (AB 3275) Hauser. Mendocino County Water Agency: zone councils.

Under existing law, the Mendocino County Water Agency is authorized to establish zones of benefit in accordance with prescribed procedures, to create a zone council, elected as prescribed, within the zone, and to institute projects for zones or participating zones in accordance with prescribed procedures.

This bill would authorize the board of directors of the agency to appoint a zone council, rather than provide for an elected council, but would permit an appointed zone council to serve in an advisory capacity only, and would prohibit the delegation of any of the board's authority to an appointed council.

Ch. 292 (AB 3325) Johnston. Juvenile offenders: order to perform community service work.

Existing law authorizes a judge, referee, or traffic hearing officer to take certain actions or make certain orders with respect to a minor who has committed a traffic offense or, who has committed specified nontraffic offenses.

This bill would (1) delete the authority of a judge, referee, or traffic officer to order a minor to work in a park, recreational facility, or conservation area; (2) authorize a judge, referee, or traffic hearing officer to order a minor to perform community service work in a public entity or private nonprofit entity for not more than 50 hours over a period of 60 days, during times other than his or her hours of school attendance or employment; (3) specify that the work performed shall not exceed 30 hours in any 30-day period; (4) specify that an order of a referee or a traffic hearing officer to perform community service work shall be approved by a judge of the juvenile court; and (5) prohibit a judge, referee, or traffic hearing officer from ordering a minor, without the minor's consent, to perform work with a private nonprofit entity that is affiliated with any religion.

Ch. 293 (AB 3326) Johnston. Insurance: workers' compensation policies.

Existing law provides, in order to permit employees of small farms to be covered under the Workers' Compensation Law, that employers who are members of certain associations may insure those employees under a group compensation insurance policy if the association guarantees premium payments, as specified.

This bill would delete the above requirement that the association guarantee the payment of premiums.

Existing law also authorizes an insurer to issue a workers' compensation policy insuring an organization or association of employers subject to specified conditions. Among other things, there must be an agreement guaranteeing payment of past due premiums upon notification, as specified.

This bill would, instead, require that agreement to state that the organization or association may be liable for payment, as specified. It would also provide that no agreement is required, and the organization or association is not liable for payment, unless the governing board of the organization or association and the insurer agree in writing to use dividends due for payment of past due premiums.

Ch. 294 (AB 3367) Wyman. County funds.

Existing law permits a county board of supervisors to transfer money from one fund to another, as the public interest requires.

This bill would permit the board, by resolution, to authorize the county auditor to perform that function, as specified.

Existing law provides for a procedure for payment and registration of county warrants.

This bill would provide an alternative method for the registration of county warrants,

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other than school warrants, upon adoption by resolution by the county board of supervisors of any county.

Ch. 295 (AB 3371) Leslie. Evidence: experts.

Existing law authorizes the court on its own motion or on the motion of any party to appoint one or more experts to investigate, to render a report as may be ordered by the court, and to testify as an expert at the trial of an action.

This bill would specify that this provision is not to be construed to permit a person to perform any act for which a license is required unless the person holds the appropriate license to perform that act lawfully.

Ch. 296 (AB 3383) Baker. Alcohol and drug advisory boards.

Existing law provides for each county to have an advisory board on alcohol programs and an advisory board on drug programs appointed by the board of supervisors.

This bill would authorize a county, upon resolution by the board of supervisors, to elect to satisfy the above requirement by establishing a combined drug and alcohol advisory board, as specified. The bill would require any county which elects to combine its boards to assure that the integrity and separate identity of its county drug programs and county alcohol programs are maintained.

This bill would make various technical, nonsubstantive changes.

Ch. 297 (AB 3546) N. Waters. Child custody proceedings: false accusations of child abuse.

Existing law delineates various procedures for the award of the custody of children. Existing law also authorizes the imposition of monetary sanctions for various forms of improper conduct in connection with judicial proceedings.

This bill would authorize a court to impose reasonable money sanctions, not to exceed $1,000 plus reasonable attorney's fees, against a person making an accusation of child abuse or neglect during specified child custody proceedings if the court determines that the accusation was false and known by the accuser to be false at the time the accusation was made.

The bill would specify a procedure for assessing the sanctions and would declare the bill's remedy to be nonexclusive.

Ch. 298 (AB 3671) Eastin. Overnight Amtrak service: Sacramento-San Francisco Bay area-Santa Barbara-Los Angeles.

The Department of Transportation, pursuant to Resolution Chapter 142 of the Statutes of 1989, conducted a study of overnight Amtrak rail passenger service between Sacramento, the San Francisco Bay area, Santa Barbara, and Los Angeles.

This bill would make various legislative findings and declarations regarding the results of that study and would require the department to meet with the National Railroad Passenger Corporation to determine the feasibility of procuring and modifying specified rail equipment for use in overnight service between Sacramento, the San Francisco Bay area, Santa Barbara, and Los Angeles. The bill would require the department to determine methods for financing the procurement of capital equipment for, and to estimate the operational costs of, that service. The bill would require the department to report its findings to the Legislature by March 1, 1991.

Ch. 299 (AB 3729) Chandler. Fees: refunds.

Existing law permits a county, city, city and county, or other local agency to charge various zoning and permit fees, including building permits, but requires that the fees not exceed the estimated reasonable cost of providing the service for which the fee is charged, unless a question regarding the amount of fee charged in excess of the estimated reasonable cost of providing the services or materials is submitted to, and approved by a popular vote of ⅔ of those electors voting on the issue.

This bill would permit the County of Nevada to refund the amount of building permit fees collected in the 1986–87, 1987–88, and 1988–89 fiscal years which exceeded the actual cost incurred by the county building department for its regulatory activities, as specified.

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This bill would provide that if the county elects to refund these excess fees, it would be required to publish notice thereof, as specified, and give claimants one year from the completion of the publication of that notice to file for refunds. This bill would declare that, if implemented, it would provide the exclusive remedy with respect to any person submitting a claim pursuant to this procedure for reimbursement for excess fees paid during those fiscal years.

This bill would state that the Legislature finds and declares that due to the unique circumstances concerning the excess charges for building permit fees relating to the County of Nevada, a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution.

Ch. 300 (AB 3790) Wyman. Antelope Valley-East Kern Water Agency: fees.

Under existing law, the Board of Directors of the Antelope Valley-East Kern Water Agency is directed, so far as practicable, to fix water rates which will result in revenues which will pay specified costs of the agency.

This bill would authorize the agency to establish and impose, in accordance with prescribed procedures, a one-time facility capacity fee, in the nature of a connection fee, for the right to make a new retail connection to water distribution systems served by the agency, subject to an agreement with the retail water distributor, to finance specified capital costs, and would prescribe related matters.

Ch. 301 (AB 3824) Bentley. Accountancy.

Existing law authorizes the State Board of Accountancy to take disciplinary action against a certified public accountant or a public accountant for unprofessional conduct which is defined as including, among other things, fiscal dishonesty or breach of fiduciary responsibility of any kind, which includes, among other things, knowing preparation, publication, or dissemination of false, fraudulent, or materially misleading financial statements, reports, or information and embezzlement, theft, and other specified crimes.

This bill would revise the above provision to make the knowing preparation, publication, or dissemination of false, fraudulent, or materially misleading financial statements, reports, or information and embezzlement, theft, and other specified crimes separate categories of unprofessional conduct.

Ch. 302 (AB 3834) Epple. Insurance: insolvency.

Existing law contains no statutory provision requiring an insurer to immediately notify the Insurance Commissioner when the insurer is impaired, as defined.

This bill would provide that whenever an insurer is impaired, as defined, its chief executive officer shall immediately notify the commissioner, in writing, of that impairment, in addition to the board of directors or trustees of the insurer, as specified. Any officer, director, or trustee of an insurer shall also be required to notify the chief executive officer of the insurer of an impairment. The bill would also provide that any person who performs certain acts with respect to the property of an insurer is guilty of a misdemeanor. The bill would thus create new crimes and thus impose a state-mandated local program.

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

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

Ch. 303 (AB 3849) Felando. Vehicles: parking.

Existing law prohibits parking in areas designated for disabled persons or disabled veterans, and in other designated places, as specified.

This bill would prohibit parking on lines marking the boundaries of those spaces designated for disabled persons or disabled veterans, and in specified loading and unloading areas, thereby imposing a state-mandated local program by creating new crimes.

The California Constitution requires the state to reimburse local agencies and school

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districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

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

Ch 304 (AB 3984) Moore. Carpools and ridesharing: personal information: disclosure.

(1) Existing law prohibits, in specified situations, the disclosure of information concerning an individual.

This bill would prohibit any person who, in the course of business, acquires or has access to personal information concerning an individual for the purpose of assisting private entities in the establishment or implementation of carpooling or ridesharing programs, as defined, from disclosing that information to any other person or using the information for any other purpose without the prior written consent of the individual. A violation of this provision would be a misdemeanor. Thus, the bill would impose a state-mandated local program by creating a new crime.

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

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

Ch 305 (AB 3987) Katz Solid waste: fees.

Existing law, the California Integrated Waste Management Act of 1989, regulates the disposal of solid waste Existing law authorizes the designated local enforcement agency to prescribe, revise, and collect fees or other charges from each solid waste facility operator or from any person who conducts solid waste handling if the local governing body having ratesetting authority has approved rate adjustments to compensate the solid waste hauler or solid waste facility operator for the amount of the surcharge imposed.

This bill would, instead, authorize the enforcement agency to collect the fees or charges from those persons if the local governing body has approved rate adjustments to compensate the solid waste hauler or solid waste facility operator for the amount of the fee or charges imposed.

Ch 306 (AB 4108) Polanco. Vehicles: rentals: equipment, mechanical, and safety standards.

(1) Under existing law, no person engaged in the rental of vehicles for periods of 30 days or less may rent, lease, or permit the operation of a vehicle unless all equipment required by the Vehicle Code has been provided or offered.

This bill would, in addition, require these vehicles to conform to the National Traffic and Motor Vehicle Safety Act of 1966 and be mechanically sound and safe to operate, as specified. The bill would permit the Department of the California Highway Patrol to conduct periodic inspections without notice of the business premises of persons engaged in the rental of vehicles, and of the vehicles themselves for compliance with the bill, and would prohibit the rental or lease of any vehicle not in compliance. Since, under other provisions, a violation of these requirements would be a crime, the bill would impose a state-mandated local program.

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

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

Ch. 307 (AB 4158) N. Waters. Recreation and park districts: special taxes.

(1) Under existing law, recreation and park districts are not expressly authorized to impose special taxes.

This bill would expressly authorize a district to impose a special tax, pursuant to

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specified provisions, which require the approval of ⅔ of the voters of the district.

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

Ch. 308 (AB 4162) Roybal-Allard. City or county funds: repair of defaced structures.

Existing law allows a city or county, by ordinance, to use city or county funds to remove graffiti or other inscribed material from public or privately owned permanent structures, with the consent of the property owner, after a finding that the material is obnoxious.

This bill would define graffiti for purposes of this section and provide that this section would not preclude the abatement of graffiti or other inscribed material as a nuisance pursuant to other specified provisions of law or the enactment or enforcement of any criminal law with respect to nuisance

Ch. 309 (SB 1763) Rosenthal. Credit cards: service providers.

(1) Existing law prohibits a retailer from imposing a surcharge on a credit cardholder who elects to use a credit card in a sales transaction instead of paying by cash, check, or similar means. Existing law also authorizes the offering of discounts for the purpose of inducing payment by cash, check, or other means not involving the use of a credit card if the discount is offered to all prospective buyers. Existing law provides that any retailer who willfully imposes a surcharge and who fails to pay that amount to the cardholder within 30 days of written demand is liable for 3 times the amount at which actual damages are assessed. The cardholder is entitled to recover reasonable attorney's fees and costs incurred in the action.

This bill would make these provisions applicable to retailers in any sales, service, or lease transaction with a consumer. The bill would specify that consumers are not to be deemed to elect to use a credit card if only credit card payment is accepted for telephone orders, and only cash is accepted for purchases at a retail facility. The bill would further deem charges for third-party credit card guarantee services to be surcharges if added to the cash price by the retailer. The bill would also specify that these provisions apply to credit charges for the towing or storage of vehicles under the authority of a law enforcement officer, as specified. Since the towing or storage of vehicles upon the authority of a law enforcement officer is unlawful if done in violation of certain provisions, the bill would impose a state-mandated local program by changing the definition of a crime.

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

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

Ch. 310 (SB 1769) Kopp. Rail transit: equipment purchases.

Under the San Francisco Bay Area Rapid Transit District Act, the San Francisco Bay Area Rapid Transit District may, after a ⅔ vote of the district board, purchase electronic data-processing or telecommunications equipment by competitive negotiation, rather than by competitive bidding, when specified requirements are met.

This bill would revise the requirements and procedures for competitive negotiation and would, in addition, permit the purchase of rail cars by the district under these competitive negotiation procedures.

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

Ch. 311 (SB 2156) Rosenthal. Public Utilities Commission: complaints against public utilities.

Under existing law, the Public Utilities Commission is required to entertain complaints by an expedited complaint procedure against any electrical, gas, water, heat, or telephone company under certain provisions of the Public Utilities Code where the amount of money claimed is $1,500 or less.

This bill would require the commission to entertain these complaints when the

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amount claimed does not exceed the jurisdictional limit of the small claims court, as specified.

Ch. 312 (SB 2250) Vuich. Agricultural marketing orders.

Existing provisions of the California Marketing Act of 1937 authorize the Director of Food and Agriculture to issue marketing orders which regulate the marketing, processing, distribution, or handling of agricultural commodities. Under existing law, a marketing order may contain provisions for advertising and promoting the sale of any commodity.

Until May 31, 1992, existing law also includes within the meaning of advertising and sales promotion, activities for the modification or removal of trade barriers that restrict the free flow of a commodity to market, including negotiation with the federal government and foreign governments, and the allowance of reimbursement payments to offset commodity transportation costs to selected domestic and foreign markets.

This bill would delete the provision which would make that provision inoperative May 31, 1992.

Ch. 313 (SB 2471) C. Green. Public Employees' Retirement System: benefits.

(1) The Public Employees' Retirement Law requires that the retirement of a member who has been offered enrollment in a rehabilitation program be deferred until the rehabilitation program has been terminated.

This bill would repeal that provision.

(2) Existing law authorizes the Board of Administration of the Public Employees' Retirement System to fix the effective date of a member's retirement, under specified circumstances, at a date earlier than that in which an application for retirement is received.

This bill would authorize the board to take that action with respect to members also retiring from reciprocal retirement systems

(3) Existing law required the board to make a study of division of community property issues.

This bill would delete that provision.

(4) Existing law prescribes the order of payment of benefits if there is no beneficiary designation in effect on the date of death.

This bill would require the decedent's natural children adopted by another to meet specified criteria and clarify the eligibility of certain specified relatives.

(5) Existing law provides for payment of a monthly allowance to specified survivors of deceased members who had attained the minimum age for voluntary service retirement prior to their death.

This bill would delete an obsolete provision in that benefit.

(6) Existing law requires specified benefits to be paid when special death benefits are stopped because of remarriage, death of a surviving spouse, or attainment of age 18 years by a child.

This bill would change that age to 22 years. The bill would also specify a sequence of entitlement for lump-sum death benefits where the beneficiary dies after the member, but prior to receiving payment.

Ch. 314 (SB 2673) Robbins. Motor vehicle insurance: proof of coverage disclosure.

(1) Existing law requires the driver of a motor vehicle to maintain proof of financial responsibility.

This bill would require an insurer issuing policies of automobile liability insurance or motor vehicle liability insurance, upon the request of its insured or the Department of Motor Vehicles, to promptly issue written verification as to the existence of that coverage.

The bill would prescribe means of providing proof of financial responsibility in situations involving vehicles with less than four wheels.

(2) Existing law prohibits the department from accepting proof of financial responsibility in the form of any insurance certificate or certificates unless all vehicles registered to a person are covered, with specified exceptions.

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This bill would make that provision inapplicable to persons who have violated certain requirements relating to proof of financial responsibility.

The bill would make other conforming changes.

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

Ch. 315 (SB 2706) Watson. Education: school attendance: absences.

Existing law requires attendance in all schools and classes to be recorded and kept according to regulations prescribed by the State Board of Education, subject to the requirements of specified provisions of existing law.

Existing law also provides that a pupil shall be excused from school for justifiable personal reasons, including, but not limited to, certain enumerated reasons. A pupil with an excused absence is allowed to complete all assignments and tests missed during the absence that can be reasonably provided, and upon satisfactory completion, is to be given full credit for the made up work. An excused absence is deemed to be an absence in computing average daily attendance and does not generate apportionment payments, except as otherwise provided.

This bill would also excuse the absence of a pupil who is the custodial parent of a child who is ill or has a medical appointment during school hours.

Ch. 316 (AB 1639) Pringle. State employees: examinations.

Existing law provides that in a state civil service examination held on an open nonpromotional basis, a competitor who served at least one year in, and graduated from, the California Conservation Corps, and who passes the examination, is entitled to 3 career credits added to his or her score.

Existing law also provides that eligibility for these career credits expires 24 months after graduation from the California Conservation Corps and extends that expiration date for the period of a Governor's freeze on new civil service hires.

This bill would delete the extension during hiring freezes and would provide that eligibility continues for 5 years after graduation for competitors participating in California Conservation Corps scholarship programs.

Ch 317 (AB 3177) N. Waters. Recreational Vehicle Parks.

Under the Recreational Vehicle Park Occupancy Law, tenants who have continually resided in the recreational vehicle park for 9 months or more after January 1, 1980, are subject to specified provisions of the Mobilehome Residency Law including provisions on rental agreements and tenant meetings.

This bill would eliminate the above provision and would also make related and technical and clarifying changes.

Ch. 318 (AB 3322) Filante. Transportation: local transportation authorities.

Under the Local Transportation Authority and Improvement Act, a county board of supervisors may create or designate a local transportation authority in the county which, upon a ⅔ vote of its members and approval of a majority of the voters, may adopt an ordinance imposing a retail transactions and use tax of ½ of 1% or 1%, for specified transportation purposes.

This bill would authorize the rate of the tax to be imposed in ¼% increments, not to exceed a maximum rate of 1%.

Ch 319 (AB 3575) Farr. Monterey Peninsula Water Management District

Under existing law, one member of the Board of Directors of the Monterey Peninsula Water Management District is required to be the chief executive officer, mayor, or member of the governing body of a city which is a member unit who shall be appointed by the city selection committee of the county.

This bill would instead require that member to be the mayor of a city which is a member unit who shall be appointed by those members of the city selection committee representing member units of the district

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Ch. 320 (AB 4122) Frazee. Juveniles: notice to parent or guardian.

Existing law, the Arnold-Kennick Juvenile Court Law, generally requires that when a peace officer or social worker takes a minor into temporary custody for a specified reason generally related to the child being in immediate need of care, he or she is required to notify the minor's parent, guardian, or a responsible relative that the minor is in custody and the place where he or she is being held. However, the notification is not made upon order of the juvenile court. This order can be made only upon a showing that the notification would endanger the minor or the parent or guardian is likely to flee with the child.

Existing law also authorizes a refusal to make such a disclosure if it is impossible or impractible to obtain an order prior to the detention hearing and the peace officer or social worker has a reasonable belief that the minor is endangered or that the parent or guardian is likely to flee with the child.

This bill would provide for the issuance of such an order upon a showing that notification of the parent or guardian would endanger the foster family of the minor. It would also make a similar change with respect to the provisions authorizing nondisclosure without a court order.

Ch. 321 (SB 929) Seymour. Contractors: public works contracts.

(1) Existing law makes it a misdemeanor for any person to submit a bid to a public agency to engage in or act as a contractor without having a license, except in specified circumstances, and requires bids for public works contracts, unless otherwise excepted, to contain the contractor's license number, date of expiration, and a statement that representations of the bid are made under penalty of perjury, as specified.

This bill would delete the requirement that the contractor's license number, expiration date, and specified statement be a part of the bid for a public works contract.

The bill would provide that any compliance or noncompliance with the above requirement, as originally enacted, shall not invalidate any contract or bid awarded by a public agency during which that requirement was in effect.

The bill would require local agencies to verify licensure before awarding a bid, thereby imposing a state-mandated local program.

(2) This bill would provide that in all contracts subject to the Local Agency Public Construction Act where federal funds are involved, no bid submitted shall be invalidated by the failure of the bidder to be licensed in accordance with the laws of this state, but would provide that at the time the contract is awarded the contractor shall be properly licensed. The bill would require the local agency to verify licensure prior to making the first payment, thereby imposing a state-mandated local program. The bill would provide that bids subject to this requirement are not subject to the requirement set forth in (1), above.

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

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

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

Ch. 322 (SB 1223) Petris. East Bay Regional Park District.

Under existing law, members of the board of directors of a regional park, park and open-space, or open-space district may be authorized by the board to receive not more than $100 per day for meetings, but no board member may receive more than $500 per month.

This bill would allow board members of the East Bay Regional Park District to be authorized by the board to receive compensation for not more than 10 meetings in any calendar month with a maximum compensation of not more than $100 per day.

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Ch. 323 (SB 1762) Vuich. Broker-dealer: commodities.

(1) Under existing law, the Commissioner of Corporations may, by order, censure a broker-dealer or deny, suspend, or revoke a broker-dealer's certificate, as specified, if the commissioner finds that the censure, denial, suspension, or revocation is in the public interest and that the broker-dealer has willfully violated any of specified laws, including the Securities Act of 1933 or the Securities Exchange Act of 1934.

This bill would authorize the commissioner to take the above action if the broker-dealer has willfully violated the Commodity Exchange Act.

(2) Existing law authorizes the commissioner to censure a broker-dealer or deny, suspend, or revoke a broker-dealer's certificate, as specified, if the commissioner finds that the broker-dealer is subject to any currently effective order of the Securities and Exchange Commission denying registration to, or revoking or suspending the registration of, the person as a broker, dealer, agent, or investment adviser or if the commissioner finds that the broker-dealer is subject to any currently effective order of any national securities association or national securities exchange, as defined, suspending or expelling that person from membership in the association or exchange or from association with any member of the association or exchange.

This bill would additionally authorize the commissioner to take the above action if the commissioner finds that the broker-dealer is subject to any currently effective order of the Commodity Futures Trading Commission denying registration to or revoking or suspending the registration of that person under the Commodity Exchange Act or if the commissioner finds that the broker-dealer is subject to any currently effective order of any board of trade or commodity exchange including, but not limited to, the New York Mercantile Exchange, the Chicago Mercantile Exchange, the Chicago Board of Trade, or the Chicago Board of Options Exchange suspending or expelling that person from membership or association with any member of the board of trade or commodity exchange.

(3) This bill would provide that the authorizations in (1) and (2) above are similarly applicable with respect to comparable provisions relating to investment advisers.

(4) Existing law provides that the commissioner may censure or suspend or ban from any position of employment, management or control of any broker-dealer or investment adviser, any officer, director, partner, agent, employee of, or person performing similar functions for, a broker-dealer, if the commissioner finds that the person has committed specified acts.

This bill would authorize the commissioner to take the above actions if the commissioner finds that those persons are subject to the orders provided for in the 2nd paragraph of (2), above.

(5) The bill would revise other provisions similar to (4), above, which provisions also affect commodity advisers, to make the persons affected by these provisions subject to the orders provided for in the 2nd paragraph of (2), above.

Ch. 324 (SB 1774) Lockyer. Probate law and procedure.

(1) Existing law requires the public administrator, after the payment of debts as specified, to deposit the balance of an estate for which there are no beneficiaries with the county treasurer.

The bill would specify the procedures for administering the funds so desposited, thereby imposing a state-mandated local program by requiring new duties under an existing program. The bill would make corresponding changes in the Probate Code proposed to be enacted by AB 759, contingent upon its enactment and corresponding with its operative date.

(2) Existing provisions of Chapter 397 of the Statutes of 1989 state that a financial institution, as defined, has no duty to inform specified persons holding or designated on certain accounts on January 1, 1990, of provisions of law enacted by that chapter.

This bill would, operative July 1, 1990, revise that provision to change the date on which those persons hold or are designated on those accounts to July 1, 1990.

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

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Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

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

Ch. 325 (SB 1896) Davis. County fish and game wardens: reserve wardens.

Existing law authorizes the board of supervisors of a county to appoint a county fish and game warden and deputy wardens, who have the powers and authority of peace officers, as specified.

This bill would authorize the Board of Supervisors of Los Angeles County to appoint not more than 3 ocean lifeguards employed by the county as reserve county fish and game wardens for not more than 4 months. The bill would grant the reserve wardens the powers and authority of peace officers, as specified, if certain conditions are met.

The provisions of the bill would remain in effect only until January 1, 1993, and on that date would be repealed.

Ch. 326 (SB 2199) Robbins. Insurance: fire insurance.

Existing law sets forth a standard form fire insurance policy, and generally requires its use. However, clauses limiting the liability of the insurer may be attached to the standard form. Under existing law, if a clause is inserted, or rider attached, affecting the standard form liability of the insurer for loss or damage by fire occasioned either directly or indirectly by certain causes, including, earthquake, the clause or rider is required to be printed in red ink in type larger than small pica, and, at the head of the policy, there is required to be the statement, "This policy contains limitations of liability not permitted in the California standard form."

This bill would delete loss on damage by fire occasioned by earthquakes from the list of clauses for which those requirements are applicable, but would specify that the provision does not exempt or permit an insurer to limit liability from a fire following or caused by an earthquake.

Ch. 327 (SB 2242) Davis. Automatic dialing devices: law enforcement and fire protection agencies.

Existing law, with specified exceptions, prohibits the operation of an automatic dialing-announcing device. Telephone calls that may be placed through those devices are required to meet certain requirements.

This bill would exempt from that prohibition law enforcement agencies and fire protection agencies placing calls through automatic dialing-announcing devices, if those devices are used for specified purposes. The bill would also exempt the calls made by those agencies through automatic dialing-announcing devices from specified operating requirements.

Ch. 328 (SB 2366) Mello. Industrial loan companies.

Existing law limits the amount an industrial loan company may borrow if it has investment or thrift certificates outstanding, except by sale of those certificates, to an amount not in excess of 300% of the value of its outstanding capital stock, surplus, and undivided profits, without consent of the Commissioner of Corporations Sums borrowed in excess of 150% of the outstanding capital stock, surplus, and undivided profits are required to be unsecured borrowings or, if secured, approved by the commissioner, as specified.

This bill would provide that an industrial loan company may borrow funds from the Federal Home Loan Bank, and that those borrowed funds shall not be included in the above-mentioned borrowing limitations.

Ch. 329 (AB 3109) Harvey. Pigeons.

Under existing law, local government may regulate land use within its jurisdiction for

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various specified purposes.

This bill would provide that it is the policy of the state to permit the breeding and maintaining of homing pigeons consistent with the preservation of public health and safety and would distinguish them from fowl.

Ch. 330 (AB 379) Nolan. Personal income tax: bank and corporation tax: credits: net operating loss: enterprise zones and program areas.

The existing Personal Income Tax Law and Bank and Corporation Tax Law provide a tax credit for sales and use taxes paid by a qualified taxpayer within a program area or enterprise zone, as defined. Both laws also provide a tax credit for qualified wages paid to a qualified disadvantaged individual in enterprise zones and a tax credit for qualified wages paid to a qualified employee who has been an unemployed resident of a program area, and also disallow deduction for those qualified wages. These credits may not exceed the income attributed to the business activities within the program area or enterprise zone.

The existing Personal Income Tax Law and Bank and Corporation Tax Law also provide a deduction for certain net operating losses based on modifications to a specified federal statute, and provide that qualified taxpayers who are engaged in the conduct of a trade or business in a program area or enterprise zone, as defined, may elect an alternative computation of the net operating loss based on the federal statute, but with fewer modifications of the federal statute. The loss must be attributable to the business activities within the program area or enterprise zone, and the deduction is allowed only with respect to income attributed to the business activities of the taxpayer within the program area or enterprise zone.

Under the existing Personal Income Tax Law and Bank and Corporation Tax Law, the amount of income and loss attributed to a program area or enterprise zone is determined in accordance with the Uniform Division of Income for Tax Purposes Act ("UDITPA").

This bill would modify for specified taxable and income years the provisions of UDITPA, as applied to these credits and net operating loss provisions by omitting the sales factor from the computation, and specifying that income or loss shall be apportioned to the program area or enterprise zone by multiplying the income from the business by a formula comprised of the property factor plus the payroll factor.

This bill would provide that any deductions otherwise allowed for the qualified wages upon which a credit is based shall be reduced by the amount of the credit.

This bill would require the Franchise Tax Board to make specified information regarding enterprise zone credits available to the Department of Commerce and the Legislature.

This bill would take effect immediately as a tax levy.

Ch. 331 (AB 835) Johnson. Power of attorney: witnesses.

Under existing law, a statutory short form power of attorney and a durable power of attorney for health care must be witnessed by two adult witnesses who either personally know the principal, or to whom the identity of the principal has been proved by convincing evidence. For that purpose, convincing evidence means an identification card or driver's license issued by the Department of Motor Vehicles, or by some other state or nation, a military identification card, or a passport.

Existing law provides that if the principal is a patient in a skilled nursing facility, at least one of the witnesses to a power of attorney for health care must be a patient advocate or ombudsman.

This bill would provide for purposes of a durable power of attorney for health care, if the principal is a patient in a skilled nursing facility, a witness who is a patient advocate or ombudsman may rely upon the representations of the administrator or staff of the skilled nursing facility, or of family members, as convincing evidence of the identity of the principal if the patient advocate or ombudsman believes that the representations provide a reasonable basis for determining the identity of the principal.

The bill would make related changes.

This bill would incorporate additional changes in Section 2511 of the Civil Code, proposed by SB 1777, to be operative only if SB 1777 and this bill are both chaptered and

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become effective January 1, 1991, and this bill is chaptered last.

Ch. 332 (AB 2124) Felando. Healing arts.

Existing law provides a procedure for the professional peer review of specified healing arts licentiates and provides various due process rights for licentiates who are the subject of a final proposed disciplinary action of a peer review body. The law specifically requires a peer review body to adopt written provisions governing whether a licentiate shall have the option of being represented by an attorney at the licentiate's expense and prohibits a peer review body from being represented by an attorney if the licentiate is not so represented. The law exempts specific hospitals from requirements relating to notice and hearing for those licentiates, provided due process is afforded to licentiates in peer review proceedings in those hospitals.

This bill would provide that dental professional society peer review bodies may be represented by an attorney even if the licentiate declines to be represented by an attorney provided the licentiate has the option to be so represented.

This bill would specify that specified hospitals that are exempted from specific notice and hearing requirements are required to afford a licentiate due process in proceedings relating to summary suspension or restriction of privileges, as specified.

Ch. 333 (AB 2306) Calderon. Public safety.

Existing law requires the Commission on Peace Officer Standards and Training to develop courses for the training of peace officers.

This bill would require the commission to implement a course or courses of instruction to provide ongoing training to the appropriate peace officers on methods of gang and drug law enforcement.

Existing law requires the Commission on Peace Officer Standards and Training to establish and enforce minimum standards relating to peace officer members of specified entities, and to public safety dispatchers of specified entities.

This bill would extend those provisions to joint powers agencies.

Under existing law, any entity that desires to receive state aid from the Peace Officer's Training Fund shall make application to the commission for the aid, and requires that the initial application be accompanied by a copy of an ordinance, or in the case of the University of California and the California State University by a resolution, adopted by its governing body providing that it will adhere to the standards for recruitment and training established by the commission.

This bill would permit the original application of an agency that is not authorized to act by ordinance to be accompanied by a resolution.

Ch. 334 (AB 2574) Lancaster. Clinical social workers corporations.

Existing law provides that the name of a licensed clinical social workers corporation shall, among other things, be restricted to the name or the last name of one or more of the present, prospective, or former shareholders.

This bill would delete that requirement. It would also restrict a licensed clinical social workers corporation operating under a fictitious business name from using any false, misleading, or deceptive name, as specified.

A violation of these requirements would be a misdemeanor. The bill would thus expand the scope of an existing crime and impose a state-mandated local program.

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

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

Ch. 335 (AB 2581) Tucker. Acknowledgement of instruments: certificate of acknowledgement.

Existing law contains numerous provisions governing the acknowledgment of an instrument by different entities and prescribes various forms for the acknowledgment of an instrument by those entities. Existing law also provides that proof of the execution

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of an instrument, when not acknowledged by an officer, may be made either by the party executing it, by a subscribing witness, or, in certain cases, by other witnesses.

This bill would delete the specific provisions governing the forms for the acknowledgment of an instrument executed by a corporation, partnership, public corporation, agency, or political subdivision of the State of California, or attorney in fact, and would establish one form for general use for the acknowledgment of an instrument with the capacity of the person signing the document indicated at the signature point, and would make conforming changes to existing law.

Ch. 336 (AB 2658) Cortese. Telephone solicitations.

Under existing law, telephonic sellers, as defined, are required to register with the Department of Justice before doing business in this state.

This bill would require telephonic sellers to maintain a bond in the amount of $50,000 in favor of the state for the benefit of any person suffering injury or loss by reason of any violation of specified laws to be paid under the terms of any order of a court obtained by the Attorney General, district attorney, or city attorney. The bill would also require telephonic sellers, at least 10 days prior to the inception of any promotion offering a premium with an actual market value or advertised value of $500 or more, to notify the Attorney General in writing of the details of the promotion, as specified. The telephonic seller would, in addition, be required to maintain an additional bond for the total actual market value or advertised value, whichever is greater of the premiums held out or advertised to be available to a purchaser or recipient Because any willful violation of specified provisions with respect to telephonic sellers is a crime, the bill would impose a state-mandated local program.

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

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

Ch. 337 (AB 2717) Pringle. Vehicles: stolen: notification of owner.

(1) Under existing law, a peace officer, upon receiving information that a vehicle previously reported as stolen has been recovered, is required to notify the Department of Justice and the police agency which had originally reported the vehicle stolen, of the location and condition of the recovered vehicle.

This bill would impose a state-mandated local program by requiring the original reporting police agency, within 48 hours of being notified of the vehicle's recovery, to notify the reporting party of the location and condition of the recovered vehicle.

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

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 338 (AB 2792) Kelley. Weights and measures· commercial purposes.

(1) Existing law provides for the regulation of specified weighing and measuring instruments that are used for commercial purposes and which are required to be sealed by a sealer. Existing law excludes the determination of charges for the transmission of letters or parcels of less than 150 pounds from the meaning of commercial purposes under these provisions.

This bill would revise the definition of commercial purposes to include parcel scales within the types of devices that are used in a determination upon which a charge for a service is based, would include determinations of charges for the transmission of letters or parcels of less than 150 pounds that are made in the presence of the customer within

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the meaning of commercial purposes, and would clarify various provisions of that law to specifically include designated uses for commercial purposes.

Since existing law generally makes it a misdemeanor for any person to violate these provisions, the bill would impose a state-mandated local program by creating a new crime.

(2) The bill would repeal certain obsolete provisions dealing with measuring devices for computing retail gasoline prices.

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

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

Ch. 339 (AB 2836) Moore. Public utilities: solar energy systems.

Existing law prohibits the costs and expenses of implementing a program of solar energy development from being passed through to the ratepayers of an electrical or gas corporation.

This bill would prohibit the costs and expenses of implementing a program of solar energy development from being passed through to the ratepayers of an electrical or gas corporation until the corporation is authorized to do so by the Public Utilities Commission. The bill would require the commission to determine that it is in the ratepayers' interest to do so The bill would also require an electrical or gas corporation to notify the commission if an affiliate of the corporation seeks to implement a solar energy development program.

Ch. 340 (AB 2887) Moore. Cordless telephones: equipment.

Existing law does not prohibit the sale in this state of cordless telephone equipment that does not provide protection from unintentional line seizure and dialing, and from unintentional ringing.

This bill would make it unlawful to sell in this state after January 1, 1992, any cordless telephone that fails to provide increased protection, as specified, from unintentional line seizure and dialing, and protection from unintentional ringing.

Ch. 341 (AB 2943) Clute. Teachers: credentials.

(1) Existing law requires the Commission on Teacher Credentialing to appoint an executive secretary. Under existing law, the executive secretary is the secretary to the commission and its chief executive officer.

This bill would delegate to the executive secretary any power, duty, purpose, function, or jurisdiction that the commission may lawfully delegate, unless the commission specifically has reserved the same for its own action.

(2) Under existing law, the Commission on Teacher Credentialing is required to establish professional standards, assessments, and examinations for entry and advancement in the education profession.

Existing law provides for the issuance of various kinds of teaching credentials by the commission, including teaching credentials authorizing single subject instruction, multiple subject instruction, specialist instruction, and instruction in designated subjects, as those terms are defined.

Existing law authorizes the holder of a multiple subject teaching credential or standard elementary credential who has completed prescribed coursework to teach any subject commonly taught in grades 6, 7, 8, and 9 in departmentalized classes in those grades.

This bill would authorize holders of those credentials who have completed the same prescribed coursework to teach any subject commonly taught in grades 9 and below in departmentalized classes in those grades.

(3) Existing law requires the Commission on Teacher Credentialing to administer subject matter examinations which assure minimum levels of subject matter knowledge by all certificated personnel. A general subject matter examination authorizes teaching multiple subjects and includes the areas of English, social science, fine arts, general

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science, and mathematics.

This bill would delete from the examination the areas of English and fine arts and would add the areas of literature, language studies, history, humanities, the arts, physical education, and human development.

(4) Existing law requires a principal of a school of 6 or more teachers, including the principal, to hold a valid teacher's credential and either a valid school administration credential or a standard supervision credential authorizing service as a principal of a school of the same grade as the school to be administered.

This bill would require instead a valid school administration credential and a teaching credential or a services credential with a specialization in pupil personnel, health, clinical or rehabilitative, or librarian services.

Ch. 342 (AB 3157) Costa. State park system: general plans.

Under existing law, the Department of Parks and Recreation is required to prepare and revise general plans for units of the state park system.

This bill would authorize the department to prepare a general plan which would include more than one unit of the state park system, for units in close proximity that have similar resources and recreational opportunities, if that action will facilitate the protection of public resources and public access to units of the state park system.

Ch. 343 (AB 3270) Hannigan. Public water systems: point-of-entry treatment.

Existing law requires the State Department of Health Services to adopt prescribed rules and regulations concerning the monitoring of contaminants in drinking water, the design, operation, and maintenance of public water systems, treatment and filtration of surface water supplies, and the notification of the public of the quality of the water delivered to consumers.

This bill would require that the regulations, also, include requirements governing the use of point-of-entry treatment by public water systems in lieu of centralized treatment where it can be demonstrated that centralized treatment is not economically feasible.

Ch. 344 (AB 3285) Clute. State contracts: bids.

Existing law regulates the bids and bidders for state construction projects including the erection, construction, alteration, repair, or improvement of any state structure.

This bill, with specified exceptions, would prohibit any person, firm, or subsidiary thereof who has been awarded a consulting services contract from submitting a bid for, or being awarded a contract for, the provision of services, procurement of goods or supplies, or any other related action which is required, suggested, or otherwise deemed appropriate in the end product of the consulting services contract. The bill would exempt subcontractors of the consulting services contractor from its restriction if the subcontractor had no more than 10% of the total monetary value of the consulting services contract.

Ch. 345 (AB 3920) Nolan Community college districts: parking service fees

Existing law authorizes the governing board of a community college district to require students in attendance in grades 13 and 14 and employees of the district, who use parking services, to pay a parking services fee in an amount not to exceed $20 per semester or $40 per regular school year, to be fixed by the governing board.

This bill would authorize the governing board of the Pasadena Community College District to require payment of a parking fee at a campus in excess of the above limits for the purpose of funding the construction of an oncampus parking structure if specified conditions exist

The bill would exempt from parking fees in excess of $20 per semester students receiving financial assistance, as specified.

This bill would make legislative findings and declarations regarding the unique facts and circumstances that exist in the Pasadena Community College District with respect to why a general statute could not be made applicable.

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Ch. 346 (SB 1601) Vuich. Recall: special election.

Existing law requires a city council to appoint one of its members as mayor. In the case of a recall, it requires the legislative body, under specified circumstances, to call a special election to fill a vacancy arising from the recall of a city officer at its next regular meeting, and requires the special election to be held within specified time periods after the date of the order.

This bill would provide that, notwithstanding this requirement, or any other provision of law, the City of Sanger may hold a special election on November 6, 1990, to fill the vacancy in the city council created as a result of the recall of the council member acting as appointed mayor at a recall election held on June 5, 1990. It would authorize the city to consolidate the special election with the November 6, 1990, statewide general election.

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

Ch. 347 (SB 1734) Kopp. Trade names.

Existing law provides that any person who has first adopted and used a trade name, within or beyond the limits of this state, is the original owner.

This bill would delete this provision.

Ch. 348 (SB 1897) Lockyer. Family law: mediation.

Existing law requires the mediation of contested child custody and visitation issues. A goal of mediation is to develop an agreement assuring the child or children's close and continuing contact with both parents. The mediator is required to use his or her best efforts to effect a settlement of the custody or visitation dispute. The mediator may, consistent with local court rules, render a recommendation to the court as to custody or visitation.

This bill would, in addition to the above-specified goal, provide that a goal of mediation is to develop an agreement that is in the best interests of the child and would require the mediator to attempt to effect a settlement in the best interests of the child.

This bill would require the courts to develop local rules to respond to requests for a change of mediators or to general problems relating to mediation.

Ch. 349 (SB 2045) Rosenthal. Energy resources conservation: home labeling and rating.

Under existing law, the State Energy Resources Conservation and Development Commission is required to adopt minimum standards which must be met by any contractor installing insulation in an existing building.

This bill would direct the commission to adopt, no later than June 30, 1992, home energy rating and labeling guidelines that can be used by homeowners to make cost-effective decisions regarding the energy efficiency of their homes.

The bill would require the commission to include in its biennial energy conservation report a review and evaluation of home energy rating and labeling programs for existing homes undertaken in other states.

Ch. 350 (SB 2084) Maddy. Crimes.

Existing law specifies activities in various provisions of, among other codes, the Business and Professions Code, the Government Code, the Health and Safety Code, and the Penal Code, the violation of which is a crime.

This bill would make certain technical, clarifying changes and would correct or delete certain erroneous and obsolete cross-references in certain of these provisions in the codes specified above.

Ch. 351 (SB 2318) Rosenthal. Motor vehicle fuel conservation.

(1) Under existing law, if the State Energy Resources Conservation and Development Commission finds that a county has exceeded its motor vehicle fuel consumption goal for 3 consecutive months, the Governor may, after proclamation of a state of emergency in that county, implement by executive order specified motor vehicle fuel conservation measures in the county.

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This bill would repeal those provisions.

(2) Under existing law, it is declared to be the policy and goal of the state to limit the use of motor vehicle fuel in each county, during each respective month of the year, to 95% of the per capita average amount which was used in each county during the base period.

This bill would instead declare it to be the policy and goal of the state to limit the future use of motor vehicle fuel in each county whenever it is determined by the commission that continued high consumption of motor vehicle fuels will have a detrimental effect on the state's citizens during a proclaimed state of emergency.

Ch. 352 (SB 2329) Killea. Crimes: substance offenses.

Existing law requires persons selling specified chemical substances to require proper purchaser identification and to retain the bill of sale, as specified.

This bill would make a technical, nonsubstantive change in that provision.

Ch. 353 (SB 2345) McCorquodale. Long-term health care facilities: admission contracts.

Under existing law, skilled nursing facilities and intermediate care facilities are required to advise patients of their rights and the obligations of the facility.

Under existing law, many of the contents, terms, and conditions for contracts of admission, as defined, for admission of a patient to a long-term health care facility are specified, and civil penalties are imposed for violations of these provisions.

This bill would authorize the use under certain circumstances of a signed written statement prepared by the facility which lists the modifications to the contract of admission, rather than a new contract of admission, when a person seeks to be admitted to the same facility for which there exists a prior executed contract of admission which was signed by the person, or his or her legal representative, responsible party, or agent.

This bill would provide that a person, or his or her legal representative, responsible party, or agent, need not sign a new contract of admission or a written statement which lists the modifications to the contract of admission in the case of a transfer during a bedhold period.

Ch. 354 (AB 2600) Statham. Public utility districts: commercial and industrial developments.

Existing law provides for the creation of public utility districts which may, among other things, own and operate works for supplying the inhabitants of the district with light, water, power, heat, transportation, telephone service, or other means of communication, or means for the disposal of garbage or sewage.

This bill would permit the Shasta Dam Area Public Utility District to construct public works necessary for the industrial and commercial development of any undeveloped property owned by the district prior to January 12, 1990. The bill would make any decision to do so subject to referendum, and would prohibit the costs for the public works from being borne by customers of the district.

This bill would also make certain findings in connection with its provisions.

Ch. 355 (AB 2661) Klehs. Water management planning.

(1) Under the Urban Water Management Planning Act, which is to remain in effect only until January 1, 1991, every urban water supplier providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre-feet of water annually is required to prepare and adopt, in accordance with prescribed requirements, an urban water management plan containing prescribed elements. The plan is required to be filed with the Department of Water Resources, and the department is required to annually prepare and submit to the Legislature a report summarizing the status of the plans. Each supplier is required to periodically review its plan in accordance with prescribed requirements.

This bill would delete the January 1, 1991, termination date, thereby imposing a state-mandated local program since the requirements of the act are specifically applicable to local public agency water suppliers. The bill would revise the required elements

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of the plan and would make related changes. The bill would require the water supplier and the department to make the plan available for public review within 30 days after filing of the plan with the department. The bill would require the department in its annual report to highlight the outstanding elements of individual plans and would also require the department to prepare reports and provide data for specified legislative hearings. The bill would require the department to provide a copy of the report to each supplier which has filed its plan with the department.

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

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

Ch. 356 (AB 2752) W. Brown. Phoenix Motel: art protection.

Existing law does not exempt the swimming pool mural at the Phoenix Motel of San Francisco from state or local administrative regulations that would require its destruction or alteration, although existing law, with certain exceptions, does give an artist specified rights to injunctive relief, damages, and other relief for defacement, mutilation, alteration, or destruction of a work of fine art, including a painting.

This bill would establish such an exemption so long as the mural is not altered. The bill would, however, require that any touchup or repair be performed with specified materials.

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

Ch. 357 (AB 2779) Lewis Business taxes.

Existing law permits the legislative body of a city to license, for revenue and regulation, and impose a license tax or fee, or both, on business transactions, in the city, as specified.

This bill would require the legislative body, including that of a charter city, in imposing the license tax or fee upon a business operating within and outside the legislative body's taxing jurisdiction to levy the tax or fee so that the measure of tax or fee fairly reflects that proportion of the taxed activity actually carried on within the taxing jurisdiction.

Ch. 358 (AB 3377) Mountjoy Elections: candidates: write-in candidates.

Under existing law, no person whose name has been written in for an office at the direct primary may have his or her name placed upon the ballot as a candidate for that office for the ensuing general election unless the person received, for that office, votes equal in number to 1% of all votes cast for the office in the preceding general election at which the office was filled, or the person is an independent nominee, as defined, or the person has been designated by a party central committee to fill a vacancy on the ballot for the general election.

This bill would provide that in the case of an office which has not appeared on the ballot since its creation, in lieu of receipt of 1% of all votes cast for the office at the preceding election, the requisite number of votes shall equal 1% of the number of all votes cast for the office which had the least number of votes in the most recent general election in the jurisdiction.

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

Ch. 359 (AB 3970) Costa. Horseracing: thoroughbred awards.

The existing Horse Racing Law provides for the distribution of funds and awards on various horse meetings and races, including thoroughbred racing. Existing law provides that for thoroughbred meetings, owners' premiums shall be paid from the amount distributed for purses in the same relative percentage as owners' premiums are paid at the racing meeting.

This bill would correct an erroneous cross-reference with respect to the provision of law relating to the distribution of funds distributed to the official registering agency of California-bred thoroughbred racehorses, would make other technical and conforming

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changes, and would delete the provision relating to owners' premiums.

The bill would require specified distributions on thoroughbred meetings or thoroughbred races at mixed breed or fair meetings be deposited with that agency for distribution, as prescribed. The bill would revise the provisions defining qualifying races for purposes of the Horse Racing Law.

Ch. 360 (SB 378) Boatwright. San Francisco Bay Area Rapid Transit District: bonds: replacement.

Existing law authorizes the San Francisco Bay Area Rapid Transit District (BART) to reissue a bond, note, coupon, or other evidence of indebtedness which has been lost or destroyed if the owner furnishes, among other things, a surety bond in twice the face amount of the lost or destroyed instrument.

This bill would, instead, require the owner to furnish to the satisfaction of the district an undertaking to indemnify the district against any loss incurred on account of the instrument.

Ch. 361 (SB 1251) Mello. Strawberries: processing.

(1) Existing law requires a processor of processing strawberries, as defined, to post a schedule of the purchase price for the strawberries at each receiving station for which each schedule applies each time during the marketing season that the processor establishes or changes the purchase price for the strawberries. Existing law also requires the processor to file each schedule with the marketing order advisory, board and requires the advisory board to mail or deliver a copy of the schedule to every other processor.

Existing law exempts various processors and contracts from those filing and posting requirements.

This bill would include within those exemptions any contract which makes reference to a processor's posted price for the purchase of processing strawberries by the processor from a producer which does not contain an additional purchase price, as defined by the Director of Food and Agriculture by regulation. The bill would require any contract that is not within those exemptions to be filed with that advisory board and posted in the manner prescribed by the director. Since the violation of this requirement would be a misdemeanor, the bill would impose a state-mandated local program by creating a new crime.

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

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

Ch. 362 (SB 1319) Seymour. Hospitals: Medi-Cal inpatient utilization rate.

Existing law provides for the Medi-Cal program to enter into contracts with selected providers for the purpose of providing inpatient care to recipients qualifying for that care and specifies factors to be considered by the negotiator in negotiating contracts or in drawing specifications for competitive bidding.

This bill would require the commission to consider the special circumstances of hospitals whose Medi-Cal inpatient utilization rate exceeds the mean federal Medicaid inpatient utilization rate by at least ½ of one standard deviation in negotiating contracts or in drawing specifications for competitive bidding.

Ch. 363 (SB 2227) Robbins. Pupil suspensions and expulsions: school district reports.

Existing law requires each public school to report pupil suspensions and expulsions, on forms currently prepared and supplied by the State Department of Education for purposes of reporting crimes committed on school grounds, to the district superintendent at the end of each of the reporting periods designated for those school crime reports.

This bill would specify that the forms to be used by public schools to report pupil suspensions and expulsions be those prepared and supplied by the State Department of Education for this purpose, rather than the forms prepared and supplied by the department for the reporting of crimes committed on school grounds.

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

Ch. 364 (SB 2410) Rogers. California Poppy Day.

Existing law encourages public schools and educationally related institutions to observe the Day of the Teacher on the second Wednesday of May, as specified, and this law is to be repealed on January 1, 1994. Existing law also encourages public schools and educationally related institutions to hold suitable exercises stressing environmental awareness on the anniversary of John Muir's birth.

This bill would repeal this existing law and would designate and set aside the Day of the Teacher, John Muir Day, and California Poppy Day as days of special significance and would also encourage public schools and educationally related institutions to observe those days and to conduct suitable exercises commemorating those days, as specified.

Ch. 365 (SB 2694) Bergeson. Frozen dairy products: quiescently frozen confections: nonfat ice cream.

(1) Existing law provides that finished quiescently frozen confections may contain not more 0.5% by weight of stabilizer composed of wholesome edible material and requires the confections to contain not less than 17% by weight of total food solids.

This bill would provide, instead, that quiescently frozen confections may contain stabilizers at a level necessary to achieve the desired function.

(2) Existing law provides standards and labeling requirements for ice cream and special varieties of ice cream.

This bill would require that nonfat ice cream be made in the same manner and from the same ingredients as ice cream and special varieties of ice cream, as prescribed. The bill would permit the flavoring of nonfat ice cream with natural or artificial flavors and colors, if the prescribed labeling requirements are met. Since the violation of this provision would be a misdemeanor under other provisions of law, the bill would impose a state-mandated local program by creating a new crime.

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

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

Ch. 366 (SB 2779) L. Greene. School property: sale or lease.

Under existing law, the sale or lease by a school district governing board of real property belonging to the district is subject to certain procedural restrictions, to restrictions upon the use of the sale or lease proceeds, and to the requirement that the property first be offered for sale or lease to other governmental agencies for designated public purposes.

This bill would exempt a school district from those requirements as to a sale or lease of real property to another local governmental agency or designated nonprofit corporation if, as part of the same transaction, the school district simultaneously repurchases or leases back the same property that is the subject of the transaction and the financing proceeds obtained by the district pursuant to that transaction are expended solely for capital outlay purposes, as specified.

Ch. 367 (AB 911) Katz. Air pollution.

Under existing law, it is an infraction to operate a motor vehicle in a manner resulting in excessive emissions of smoke, flame, gas, oil, or fuel residue. It is an infraction, subject to a fine not exceeding $1,500, to discharge, below an elevation of 4,000 feet, any air contaminant which exceeds prescribed standards, from a vehicle with a gross weight rating of 6,001 or more pounds; and a violation of those provisions in any other vehicle is an infraction punishable pursuant to provisions applicable to infractions generally ($100 maximum for a 1st offense, $200 maximum for a 2nd offense within one year, and $250 maximum for a 3rd or subsequent offense within one year).

This bill would, instead of that $1,500 fine, prescribe a fine of not less than $250 nor

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more than $2,500 for a 1st offense, and not less than $500 nor more than $5,000 for a 2nd or subsequent offense within one year. The bill would prescribe a fine of not less than $100 nor more than $250 for a 2nd or subsequent violation, in a vehicle with a gross vehicle weight rating of less than 6,001 pounds, of either the provisions regarding the 4,000 feet elevation or the provisions relating to excessive emissions of smoke, flame, gas, oil, or fuel residue; and for the failure to correct or deliver proof of correction of either violation when a notice to correct was issued and the person was previously convicted of the same offense. The bill would limit the penalties for a 2nd or subsequent offense to violations involving the same vehicle. The bill would require the fines to be allocated to designated agencies.

Ch. 368 (AB 1980) Farr. Santa Cruz Metropolitan Transit District: labor provisions.

(1) Under the Santa Cruz Metropolitan Transit District Act, the Santa Cruz Metropolitan Transit District provides public transit service in the Santa Cruz metropolitan area. District employees may form and join employee associations.

This bill would permit employees to join labor organizations and to bargain collectively. The bill would require the district to bargain in good faith with the labor organization over employee wages, hours, and working conditions.

The bill would permit an employee with religious or conscientious objections to supporting labor organizations to refuse to join or financially support a labor organization, when specified requirements are met, and instead require the employee to make specified charitable contributions in lieu of labor organization dues, fees, or assessments

By imposing these duties on the district, the bill would impose a state-mandated local program.

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

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

Ch. 369 (AB 2217) Baker. Freeways: landscape irrigation: reclaimed water.

Under existing law, the construction, maintenance, and repair of state highways is under the jurisdiction and control of the Department of Transportation. The department is generally required to implement drought resistant freeway landscaping in counties where over 80% of the water supply is imported and use reclaimed water for irrigation purposes whenever possible. Existing law also directs the department to conduct a demonstration project, in cooperation with a local public agency selected by the department, to test and evaluate the use of reclaimed water for freeway landscape irrigation and the transmission of reclaimed water to others when to do so will promote a beneficial use of reclaimed water and that transmission does not unreasonably interfere with use of the highway or unreasonably increase any hazard to vehicles, subject to specified conditions.

This bill would require the department to generally implement drought resistant freeway landscaping and would delete the reference to a demonstration project

The bill would require the department to permit local public agencies, as defined, and water public utilities, as defined, to place transmission lines for reclaimed water in freeway rights-of-way for their use in transmitting reclaimed water to others, subject to specified conditions and restrictions.

Ch. 370 (AB 3444) Lancaster. Insurance: costs of examination.

Existing law provides that the reasonable cost of any examination shall be paid by an advisory organization, title insurer, underwritten title company, or controlled escrow company to be examined by the Insurance Commissioner under specified provisions of law.

This bill would require a copy of the written report which is prepared as a result of a full balance sheet financial examination, conducted pursuant to specified provisions, to be provided to the entity examined within 30 days following the production of that

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report.

If the examination or review of financial statements has resulted in a requirement of, or directive to, the entity to make changes in its conduct or business, this bill would require that those directives or requirements be provided to the entity in writing.

Ch. 371 (AB 3471) Johnston. County employee retirement: service credit.

(1) The County Employees' Retirement Law of 1937 authorizes members under various circumstances to receive service credit by paying prescribed contributions.

This bill would, in counties in which the board of supervisors makes the provisions applicable, authorize members who return to county service after having been on deferred status in a county position excluded from membership to receive service credit by paying specified contributions. This new authorization would impose state-reimbursable, state-mandated local negotiating costs since its exercise would be subject to negotiation under existing law relating to local employer-employee relations.

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

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 372 (SB 1921) Boatwright. County retirement: Contra Costa County.

(1) The County Employees Retirement Law of 1937 contains various alternative benefit provisions which may be selected by counties.

This bill would authorize the Board of Supervisors of Contra Costa County to meet and confer with a recognized employee organization respecting increased safety membership retirement benefits. The provision would not be applicable to the county unless the board of supervisors by resolution elects to make it applicable. The authorization would impose state-reimbursable, state-mandated local negotiating costs since its exercise would be subject to negotiation under existing law relating to local public employer-employee relations.

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

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

Ch. 373 (SB 2155) Rosenthal. Carriers: household goods carriers.

Existing law provides that whenever the Public Utilities Commission, after a hearing, finds that any person or corporation is operating as a household goods carrier without a valid permit, the commission may impose a fine of not more than $5,000 for each violation.

This bill would also permit the commission to assess a fine of that amount against any person or corporation it finds is holding itself out as a household goods carrier without a valid permit.

Ch. 374 (SB 2261) Torres. Medi-Cal: provider reimbursement.

Existing law provides for the Medi-Cal program pursuant to which medical benefits are provided to public assistance recipients and certain other low-income persons. The Medi-Cal program is administered by the State Department of Health Services.

This bill would require the State Department of Health Services, with the assistance of the Controller, to develop a procedure by which approved claims for services rendered may be reimbursed through a means of electronic transfer of funds to designated providers of services.

The bill would require the State Department of Health Services to provide the elec-

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tronic fund transfer service available to all interested parties, and to charge a fee for the service.

Ch. 375 (AB 2720) Felando. State Department of Health Services.

Existing law, which became effective on October 2, 1989, specifically authorizes the State Department of Health Services to adopt emergency regulations pursuant to prescribed provisions relative to the addition or deletion of drugs from the Medi-Cal drug formulary.

This bill would remove that authorization.

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

Ch. 376 (AB 2881) Hannigan. Solano County: open space.

Under existing law, the Department of Parks and Recreation provides grant funds to various local agencies for park and recreational purposes.

This bill would authorize the Solano County Farmlands and Open Space Foundation to sell a 147.33 acre parcel of land acquired pursuant to a state grant with funds appropriated from the Special Account for Capital Outlay and to expend the proceeds for the acquisition of land accomplishing the same purpose or providing public park and recreational opportunities, subject to specified conditions.

Ch. 377 (AB 3006) O'Connell. Education: school premises liability.

Existing law requires school districts to insure against liability for injuries, and provides that certain groups may use school facilities

This bill would require that a school district granting the use of school facilities or grounds to certain groups, as specified, be liable for injuries resulting from the district's negligence in ownership and maintenance of the facilities or grounds, and that a group using the school facilities or grounds be liable for injuries resulting from the group's negligence during the use of the facilities or grounds. The bill would require that the district bear the costs of insuring itself against liability and of defending itself against liability claims. The bill would require the group using the school facilities or grounds to bear the costs of insuring itself against liability and of defending itself against liability claims.

Ch. 378 (AB 3209) Costa. Seismic safety building rehabilitation loans.

Existing law permits a city, county, or city and county to provide financing to pay specified costs to the owner of a building identified as seismically hazardous if the legislative body of the city, county, or city and county makes certain findings.

This bill would permit the city, county, or city and county to provide financing to pay for or buy out any existing note or deed of trust which may be a lien against real property on which an eligible building is situated. The bill would require the city, county, or city and county to establish rules and regulations to ensure repayment of the funds being borrowed and to establish a minimum equity requirement that the owner must have in the property.

Ch. 379 (AB 3254) Areias. Public assistance: refugee employment training.

Existing law provides for the Aid to Families with Dependent Children (AFDC) program, pursuant to which qualified families are provided with cash assistance. The AFDC program is administered and partially funded by the counties.

Existing law provides, through the Greater Avenues for Independence Act of 1985 (GAIN), for an employment and training services program for AFDC recipients, which is administered by each county welfare department, in a manner consistent with regulations adopted by the State Department of Social Services and pursuant to a plan which reflects the full employment goal of the plan, an assessment of the county's current and projected unsubsidized employment needs, and other factors

This bill would require county welfare departments of counties receiving federal social welfare funding or targeted assistance allocations to develop a plan for the orderly transition of recipients of aid under the AFDC program into the GAIN program, thereby resulting in a state-mandated local program.

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The bill would also require the county staff responsible for the administration of the GAIN program to work with other specified staff to ensure that the transition to the GAIN program shall occur as quickly as possible with available resources, resulting in a higher level of county services and a state-mandated local program.

The bill would authorize counties to maintain within the GAIN program a supplemental services component, which would be subject to approval by the State Department of Social Services, for refugees who would otherwise be temporarily excepted from the full range of GAIN services.

Under existing law, the State Department of Social Services is required, after setting aside necessary administrative funds, to allocate all federal social services funds derived from the federal Refugee Act of 1980 which are required to be used for certain training of eligible refugees in the same proportion that refugees receiving aid in each eligible county bear to the total refugees receiving aid in all eligible counties.

This bill would revise the definition of aid, for the purposes of calculating the allocation of those funds.

Under existing law, counties may elect to administer federal social welfare funds, and, in the absence of that election, requires that the State Department of Social Services administer the funds.

This bill would terminate the department's administration of those funds October 1, 1990, and would require counties receiving those funds to develop a plan for the use of those funds for the provision of services to eligible refugees, thereby resulting in a state-mandated local program.

Under existing law, refugee social services funding which is identified as Refugee Mutual Assistance Incentive funds shall be retained by the State Department of Social Services and used to fund mutual assistance associations to provide social adjustment and cultural orientation services.

This bill would require the State Department of Social Services to allocate those funds to the counties in accordance with the same formula as that applied with respect to the allocation of federal social services funds derived from the federal Refugee Act of 1980.

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

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

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

Ch. 380 (AB 3259) Pringle. Mobilehomes: utility charges.

Existing law requires the management of a mobilehome park that provides both master meter and submeter service of utilities to a homeowner, to separately state for each billing period the cost of the charges for the period along with the opening and closing readings for the meter. The management is required to post in a conspicuous place, the prevailing residential utilities rate schedule as published by the serving utility.

This bill would require the management, if it has knowledge thereof, to disclose to the homeowner, whenever he or she is responsible for payment of gas or electric utility services, any condition by which a gas or electric meter on the homeowner's site measures gas or electric service for common area facilities or equipment, including lighting. This bill would require the disclosure of this information prior to the inception of the tenancy or upon discovery and would require management either (1) to enter into a mutual written agreement with the homeowner for compensation by management for specified costs, or (2) to discontinue using the meter on the homeowner's site for the utility service to the common area facilities and equipment. These provisions would not apply to electricity for lighting mandated by existing law to adequately illuminate specified areas within the mobilehome park and which provides lighting for the homeowner's site.

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Ch. 381 (AB 3376) Bronzan. Packaged ice.

Existing law requires the State Department of Health Services to enforce certain provisions relating to the manufacturing and handling of ice.

This bill would repeal, recast, and reenact those provisions as a component of the Sherman Food, Drug and Cosmetic Law.

The Sherman Food, Drug and Cosmetic Law, in part, regulates the manufacture, labeling, and advertising of food, and makes violation of these provisions a crime.

This bill would make the sanitation requirements and regulations relating to good manufacturing practices, which are applicable to food generally, applicable to ice, as defined, and would impose a state-mandated local program by expanding the scope of existing crimes.

This bill would prohibit the manufacture of ice, or the cutting of natural ice, as defined, from water which does not meet primary drinking water standards, would require ice manufacture, processing and transporting facilities and equipment to be maintained in a clean manner, and be constructed in a manner which would prevent contamination of ice, as specified, and would prohibit ice produced out of state which is not in compliance with these requirements from being sold or distributed within this state.

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

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

Ch. 382 (AB 3408) Frazee. Courts: exhibits.

Existing law authorizes the court upon the final determination or dismissal of a civil action or proceeding, on its own motion, to order the destruction or other disposition of the exhibit or deposition. However, no exhibit or deposition may be ordered destroyed or otherwise disposed of until 60 days after notice of the proposed action has been mailed by the clerk to all attorneys of record and to all parties not having an attorney of record.

This bill, rather than the above described provision, would require the court, upon the conclusion of the trial of a civil action or proceeding or upon the conclusion of any posttrial hearing, at which any exhibit or deposition has been introduced, to order that the exhibit or deposition be destroyed or otherwise disposed of by the clerk 60 days following the final determination of the action or proceeding or if an appeal is taken, upon final determination of the appeal. This bill would require the clerk of the court to give the parties written notice of the court order by first-class mail.

Existing law authorizes a court to order the destruction or other disposition of any exhibit or deposition introduced in the trial of a civil action or proceeding or filed in the action or proceeding that remains in the custody of the court or clerk for a period of 5 years after the filing of a remittitur, if the action or proceeding, after appeal, has been remanded to the trial court for a new trial and has not been brought to trial within 5 years from the filing date of the remittitur.

This bill would delete this provision and specify that the above described authorization is applicable to exhibits or depositions introduced in a posttrial hearing.

Existing law requires the clerk of the court to retain all exhibits that have been introduced or filed in any criminal action or proceeding until final determination of the action or proceedings and to distribute or dispose of the exhibits according to existing law.

This bill would require the clerk of the court to establish a procedure to account for exhibits properly.

Existing law provides that exhibits offered by the state or defendant in a criminal proceeding shall be returned to the party offering them by order of the court when the exhibit poses a security, storage, safety, or health problem. It also authorizes the court to order the clerk of the court to retain a portion of an exhibit, if by its nature the exhibit is severable.

This bill would require the court to order the clerk to retain a portion of the exhibit, if the exhibit by its nature is severable. This bill would require exhibits toxic by their

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nature that pose a health hazard to humans to be introduced to the court in the form of a photographic record and a written chemical analysis certified by competent authority, except as specified.

To the extent that the requirements of this bill would impose additional duties on court personnel it would thereby constitute a state-mandated local program.

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

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 383 (AB 3437) Roybal-Allard. Telephone: annoying calls.

Existing law makes it a misdemeanor for a person to make a telephone call with intent to annoy another and without disclosing his or her true identity to the person answering the telephone whether or not conversation ensues from making the telephone call.

This bill would provide, instead, that it is unlawful for any person to make repeated telephone calls with the intent to annoy another person at his or her residence. This bill would also provide that these provisions do not apply to telephone calls made in good faith. This bill would delete the provision requiring the person to fail to disclose his or her true identity as an element of the crime, thereby expanding the scope of an existing crime and thus imposing a state-mandated local program.

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

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

Ch. 384 (AB 3735) Elder. Parkland. City of Long Beach.

This bill would authorize the City of Long Beach to convert Hudson Park, acquired and developed with grants of state funds, to other uses subject to the conditions that (1) the city acquire and develop, or cause to be developed, substitute parklands and recreation facilities of equal or greater fair market value than the converted park and generally usable by the same persons who use Hudson Park, (2) the substitute park be open for public use no later than 3 years after the closure of Hudson Park, and (3) the city develop a plan to mitigate the loss of the public recreational facilities for the 3-year period subject to the approval of the Department of Parks and Recreation.

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

Ch. 385 (AB 3832) Lancaster. Insurance: production agencies.

Under existing law, the Insurance Commissioner is authorized to deny an application for licensure as an insurance agent, insurance broker, or other production agency if the applicant has engaged in various activities, such as engaging in fraudulent activities, conducting a business in a dishonest or incompetent manner, misrepresenting an insurance policy, committing a felony or violating statutes relating to insurance, or related activities. A violation of those provisions by a licensee is also grounds for discipline. If the licensee is an organization, such as a corporation, it is required to conduct its activities through natural persons named in its applications, who are generally required to pass a qualifying examination and are subject to the licensure provisions. Disciplinary action can be taken against the organization on the basis of acts of the natural persons named in the license

This bill would provide that the commissioner may deny an application for a license and may suspend or revoke the permanent license of any organization if the applicant or holder of the permanent license is an organization and a controlling person of the organization has engaged in any of the above-listed activities that are grounds for the

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denial of an application by an applicant. The bill would define "controlling person" as a person who possesses, directly or indirectly, the power to direct or cause the direction of the management and policies of the organization, whether through the ownership of voting securities, by contract, or otherwise, including, but not limited to, power that is the result of an official position with or corporate office held by the person. Under the bill, control would be presumed to exist if any person holds 10% of the voting securities of the organization. The bill would authorize the Insurance Commissioner to require organizations to disclose information relating to compliance with this provision.

Ch. 386 (AB 3852) Felando. Medi-Cal: prosthetic and orthotic devices.

Existing law established the Medi-Cal program, under which qualified low-income persons are provided with various types of medical benefits. One of the types of benefits provided under the Medi-Cal program is the provision of prosthetic and orthotic devices, subject to utilization controls.

This bill would require the State Department of Health Services to establish, until January 1, 1993, a pilot program under which no treatment authorization requests would be required for the provision of prosthetic or orthotic devices, including the replacement or repair of those devices, up to $500.

Ch. 387 (AB 4121) Chacon. Political Reform Act of 1974: campaign contribution account.

Under the Political Reform Act of 1974, prior to the solicitation or receipt of any contribution or loan, an individual who intends to be a candidate for an elective office is required to file a specified statement of intention with the Fair Political Practices Commission, and upon filing the statement, to establish one campaign contribution account at an office of a financial institution located in the state. Upon the establishment of the account, the individual is required to file specified information in connection thereto with the commission within 24 hours.

This bill would instead allow 10 days for the information to be filed with the commission, and would make a legislative declaration in connection therewith.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes with a ⅔ vote of each house and compliance with specified procedural requirements.

This bill would require a ⅔ vote and declare that it furthers the purposes of the act.

Ch. 388 (AB 4316) Leslie. Child care.

Existing law, the California Child Day Care Facilities Act, specifies requirements for the licensure and operation of child day care facilities. The act also provides that it does not apply to specified facilities, programs, and arrangements, including any extended day care program operated by public or private schools.

This bill would provide additional exemptions for specified programs operated by, or under contract with, public school districts, programs which operate no more than 4 hours per week, as specified, programs which offer temporary child care services and satisfy other specified criteria, and programs which are operated only between the dates of June 15 and September 15 and satisfy other specified criteria.

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

Ch. 389 (SB 2016) C. Green. Water replenishment districts.

(1) Under existing law, a district organized under the Water Replenishment District Act may exercise specified powers to protect or prevent interference with water, water quality, or water rights within the district.

This bill would authorize a water replenishment district, for the purpose of protecting and preserving groundwater supplies, to take any action necessary or desirable to prevent contaminants, as defined, from entering the district's groundwater supplies, to remove contaminants, to determine the existence and location of contaminants and persons responsible, and to perform or obtain related studies. The bill would authorize the district to recover costs incurred by the district for those purposes from responsible persons The bill would specify related powers of the district.

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(2) Under existing law, a water replenishment district may levy a water replenishment assessment in accordance with prescribed procedures.

This bill would permit that assessment to raise funds to remove contaminants from groundwater supplies of the district or to exercise other powers specified above and would specify procedures and requirements for including those costs within the water replenishment assessment. The bill would limit the amount that may be included for these purposes to 50% of the average assessment levied for the current and 4 preceding fiscal years for the purchase of water for groundwater replenishment. The bill would prescribe the powers of the district to revise the uses of amounts levied for the above purposes and would prescribe related matters.

Ch. 390 (SB 2419) Russell. Telephone corporations: collection and remission of taxes and surcharges.

(1) Existing law provides that every person who willfully obstructs or hinders any public officer from collecting any revenue, taxes, or other sums of money in which the people of the state are interested, and which the officer is empowered to collect, is guilty of a misdemeanor.

This bill would make it a misdemeanor for any provider of telecommunications services in this state to intentionally fail to collect or remit any fee or surcharge imposed by specified provisions of the Public Utilities Code.

By creating a new crime, the bill imposes a state-mandated local program.

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

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

Ch 391 (AB 43) Elder. Compulsory education.

Under existing law, any parent, guardian, or other person having control or charge of any pupil who fails to comply with provisions of law relating to compulsory education, unless excused or exempted, is guilty of an infraction. Upon a second or subsequent conviction, that person is subject to a fine of not more than $250.

This bill would subject that person to a fine of not more than $500 upon a 3rd or subsequent conviction. By changing the penalty for an infraction, this bill would impose a state-mandated local program.

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

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

Ch. 392 (AB 2683) Floyd. Civil rights: damages for unlawful interference.

Existing law authorizes the Attorney General, district attorneys, city attorneys, and aggrieved individuals to bring actions for injunctive and other appropriate equitable relief in order to protect the peaceable exercise and enjoyment of constitutional rights against interference or attempted interference by threats, intimidation, or coercion.

This bill would expressly give persons aggrieved by such a denial of constitutional rights a cause of action for damages.

Ch. 393 (AB 2886) Moore. State agencies: toll-free telephone lines.

Existing law authorizes state agencies to install and operate toll-free telephone lease lines to provide public access.

This bill would require the information made available on those lines to be accessible by both tone dial and rotary dial telephones.

Ch. 394 (AB 2935) Moore. Public utilities: women and minority business enterprise development programs.

Under existing law, the Public Utilities Commission is required to establish guidelines

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for all electric, gas, and telephone corporations with gross annual revenues exceeding $25,000,000 and their commission-regulated subsidiaries and affiliates, to be utilized in establishing programs for increasing women and minority business enterprise procurement in all categories. Existing law requires those entities to submit plans for encouraging both prime contractors and grantees to engage women and minority business enterprises in subcontracts.

This bill would provide that for the purposes of these provisions, "prime contractor" includes certain holding companies and affiliates of the corporation when engaged in transactions with the corporation, or with the corporation's commission-regulated subsidiaries and affiliates.

Ch. 395 (AB 3475) Areias. Business practices: simulated checks.

Existing law prohibits various forms of deceptive business practices.

This bill would provide that no person shall produce, advertise, offer for sale, sell, distribute, or otherwise transfer any simulated check unless the document bears the phrase "THIS IS NOT A CHECK", diagonally printed in clear and conspicuous type on the front of the document. The bill would authorize the Attorney General to bring an action to enjoin a violation and to recover a civil penalty of not more than $100 for each violation.

Ch. 396 (SB 153) Craven. Interior designers.

(1) Existing law provides for the licensing and regulation of building contractors, as specified Existing law does not define or provide for the certification of interior designers.

This bill would provide that a certified interior designer, as defined, may obtain a stamp from an interior design organization, as specified.

This bill would exempt certified interior designers, as defined and specified, from the Contractor's State License Law insofar as they design systems for work to be performed by a licensed contractor.

(2) Existing law provides for an exemption from provisions of law regulating the practice of architecture for furnishing labor and material, with or without plans, drawings, specifications, instruments of service, or other data, as specified, for (a) nonstructural elements of storefronts and interior alterations or additions, fixtures, cabinetwork, furniture, or other appliances or equipment, and (b) any nonstructural work necessary to provide for their installation. Existing law provides (c) a similar exemption for any nonstructural alterations or additions to any building attendant upon the installation of those storefronts and interior alterations or additions, fixtures, cabinetwork, furniture, appliances, or equipment. However, existing law provides, with respect to this exemption, that no unlicensed person may render or offer to render services to another person in connection with the planning, design, preparation of instruments of service, as specified, or administration of, or construction or alteration of, any component affecting the safety of any building or its occupants, including structural and seismic components.

This bill would add the limitation of nonseismic to nonstructural elements of that work with respect to (a), (b), and (c), above, and would delete the prohibition in (c), above, upon unlicensed persons rendering services to others in connection with the services specified in (c), above. However, the bill would make the effectiveness of (c), above, contingent upon those alterations not changing or affecting the structural system or safety of the building.

This bill would provide that it is an unfair business practice for any interior designer to, among other things, advertise or to represent to the public that he or she is state certified to practice interior design, as specified.

Ch. 397 (SB 2539) B. Greene. Salute to Youth Achievement Week.

This bill would designate the last week of August each year commencing in 1991 as California's Salute to Youth Achievement Week for prescribed purposes.

Ch. 398 (AB 3467) Burton. Live-in alternative to incarceration rehabilitation programs: exemption.

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Existing law does not regulate the relationship between the providers of live-in alternative to incarceration rehabilitation program services and the recipients of these services.

This bill would provide that wage and hour provisions and a provision requiring an employer to accommodate an employee's participation in an alcohol or drug rehabilitation program shall not apply to the participants, the director, and the staff of a live-in alternative to incarceration rehabilitation program with special focus on substance abusers when participating in operations owned and operated by the program, so long as all revenues generated by the operation are used for the support of the program. The bill would also define live-in alternative to incarceration rehabilitation program with special focus on substance abusers for purposes of these provisions.

This bill, in addition, would make certain findings and declarations.

Ch. 399 (AB 2860) Kelley. Alzheimer's day care-resource centers.

Existing law requires the Department of Aging to administer a grants-in-aid program for the establishment of Alzheimer's day care-resource centers.

This bill would require the department, when evaluating grant proposals, to give preference to proposals that will serve clients in underserved areas or areas without existing Alzheimer's day care-resource centers.

Ch. 400 (AB 2953) Pringle. Pedestrians: disabled persons: motorized conveyances.

(1) Under the Vehicle Code, a "pedestrian" is defined as a person who is afoot or using a conveyance, other than a bicycle, propelled by human power.

This bill would include within that definition a person operating a self-propelled wheelchair, invalid tricycle, or motorized quadricycle who, by reason of physical disability, is otherwise unable to move about as a pedestrian, as defined by existing law. The bill would make related changes. Since, under other provisions, it is unlawful to fail to comply with provisions relating to pedestrians, the bill would, by expanding the definition of "pedestrian," also expand the definition of a crime, thereby imposing a state-mandated local program.

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

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

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

Ch. 401 (AB 3207) Mountjoy. Republican county central committees.

Existing law requires Republican county central committees to meet at the county courthouse, upon call of the county clerk, on the 1st Monday after the 1st day in January following the direct primary.

This bill would repeal the existing provisions and would reenact similar provisions that instead require the county central committees to meet on a weekday designated by the county clerk in the week after the first Sunday in January following the direct primary election. In counties of the first class, it would require the committees to meet on the 1st Saturday after the 1st Monday in January following the direct primary.

Ch. 402 (AB 3298) Hunter. Vehicles: golf carts.

(1) Existing law authorizes local authorities to allow the operation of golf carts, as defined, on a highway under limited circumstances, and to allow the operation of electric carts by disabled persons.

This bill would impose a state-mandated local program by requiring the City of Palm Desert to study the feasibility of, and establish a plan for, a pilot program for the operation of electrically powered golf carts within the city. Specified state, local, and private representatives would participate in the study, which the city would be required to complete and submit to the Legislature within one year after the operative date of the bill.

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

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

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

Ch. 403 (AB 3307) Statham. Education: savings bonds.

Existing law requires the governing board of each school district, at the beginning of the first semester or quarter of the regular school term, to notify the parent or guardian of its minor pupils regarding the rights and responsibilities of the parent or guardian under designated provisions of law and of the availability of certain individualized instruction.

This bill would provide, in addition, that the parent or guardian may be advised of the importance of investing for future college or university education for their children and of considering investment options including United States Savings Bonds.

Ch. 404 (AB 3308) Statham. Property taxation: Shasta County.

(1) Existing property tax law provides for the establishment of a Special District Augmentation Fund in each county for the purposes of augmenting the allocations to special districts from property tax revenues. The moneys in that fund are derived from a reduction, computed pursuant to a specified formula, in the amount of property tax revenue that would otherwise have been allocated to each special district, except as specified, under those provisions of law governing the allocation of property tax revenues to jurisdictions generally.

This bill would provide, notwithstanding existing provisions, with regard to special districts located within Shasta County, except for multicounty districts, that property tax revenue allocations, for the 1990–91 fiscal year and thereafter, shall be adjusted in accordance with a specified county resolution

(2) Existing law establishes procedures and contains requirements under which ad valorem property tax revenues are allocated within each county.

This bill would provide that the allocation of property tax revenue in the 1979–80 fiscal year to the 1988–89 fiscal year, inclusive, in Shasta County, as distributed as of July 1, 1989, shall be deemed correct, and no reductions or increases in apportionments shall be made for the fiscal years from the 1979–80 fiscal year to the 1988–89 fiscal year, inclusive. It would also provide a minimum allocation amount for the City of Anderson in the 1989–90 fiscal year, and in each fiscal year thereafter until July 1, 1993, or an earlier date as specified. This bill would provide, within Shasta County, that the Board of Supervisors of Shasta County, by a resolution adopted by a majority of its members, may request the Legislature to amend the foregoing provisions.

This bill would make declarations of legislative intent with regard to the validation in the future of other mistakes in property tax revenue allocations.

(3) This bill would make findings as to the necessity of a special statute.

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

Ch. 405 (AB 3786) Chandler Yuba County Water Agency. directors.

(1) Under existing law, 2 additional directors of the Yuba County Water Agency are to be elected to the board of directors of the agency at the general election on November 6, 1990, to serve staggered 4-year terms of office, with one director, chosen by lot, serving an initial term of 2 years.

This bill would provide thereafter for one elected director to be elected at each statewide primary election, with a runoff at the general election if no candidate receives more than 50% of the votes cast for the office, thereby imposing a state-mandated local program, and would specify related matters.

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

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

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reason.

Ch. 406 (AB 4083) Statham. Shasta County Regional Library Facilities and Services Act.

(1) This bill would enact the Shasta County Regional Library Facilities and Services Act, which would create the Shasta County Regional Library Facilities and Services Commission. The bill would specify the membership and powers of the commission.

The bill would provide that the commission may contract for goods, services, and supplies; appoint an executive director; hire employees, as specified; sue and be sued; and generally exercise the same powers for providing and funding library facilities and services as are available to Shasta County. However, any tax or assessment would be required to be approved by the electors in the affected territory of Shasta County, as specified.

The bill would only become operative if the Shasta County Board of Supervisors enacts an ordinance to that effect.

(2) This bill would declare that, due to unique circumstances cited, as specified, in the bill, a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution.

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

Ch. 407 (SB 65) Kopp. Toxic chemicals: discharges.

The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65) prohibits any person in the course of doing business from knowingly discharging or releasing a chemical known to the state to cause cancer or reproductive toxicity into water, except as specified, and prohibits any person in the course of doing business from knowingly and intentionally exposing any individual to such a chemical without giving a specified warning. These provisions exclude from the definition of a "person in the course of doing business" a city, county, or district, a state or federal agency, or an entity in its operation of a public water system.

This bill would, subject to the approval of the electors, include public agencies, as defined, within these discharge or exposure prohibitions, except that the bill would also exclude discharges or releases which are governed by federal law to preempt state authority, specified discharges or releases by public water systems, specified discharges or releases of surface runoff from a watershed, discharges or releases of stormwater runoff, discharges or releases resulting from activities undertaken in response to a public emergency or for public health purposes, and discharges or releases which take place within a specified period of time. The bill would exclude exposures by a public agency which take place within a specified period of time and exposures which result from activities undertaken in response to a public emergency. The bill would delete the exclusion of an entity in its operation of a public water system from the definition of a "person in the course of doing business" and would exclude from this definition publicly owned treatment works, as defined. The bill would exempt from the discharge, release, and exposure prohibitions certain discharges, releases, or exposures by public water systems which are owned or operated by entities which are not public agencies.

The bill would make a statement of legislative intent concerning the bill's effect on existing law with respect to discharges or releases into a publicly owned treatment works.

The bill would require the act to be submitted to the voters at a special election to be consolidated with the November 6, 1990, general election, notwithstanding any other provision of law.

The bill would call an election within the meaning of Article IV of the Constitution, to take effect immediately.

Ch. 408 (AB 3483) Epple. Crimes: removal of identification marks.

Existing law provides that any person who knowingly buys, sells, receives, disposes of, conceals, or possesses various items, including integrated chips from computers, from which the manufacturer's nameplate, serial number, or other distinguishing number or identification mark has been removed, defaced, covered, altered, or destroyed is guilty

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of a misdemeanor.

This bill would expand the list of items so protected, and would provide that any person who knowingly buys, sells, receives, disposes of, conceals, or possesses any of the listed items of a specified value from which the serial number or other distinguishing number or identification mark has been removed, defaced, covered, altered, or destroyed is guilty of a public offense, punishable as a felony or a misdemeanor with specified penalties.

Existing law provides that it is unlawful for any person to knowingly buy, sell, offer for sale, receive, or have in his or her possession, any vehicle, or component part thereof, from which the manufacturer's serial or identification number has been removed, defaced, altered, or destroyed.

This bill would provide that a violation of these provisions is punishable by imprisonment in the county jail not exceeding 6 months or one year, depending upon the value of the property.

Because this bill would increase the scope of, and would change the penalties for, an existing crime, it would constitute a state-mandated local program.

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

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

Ch. 409 (AB 3583) Woodruff. Personal income and bank and corporation taxes: credit payment.

The existing Personal Income and Bank and Corporation Tax Laws provide that remittances of taxes, and any interest and penalties thereon, to the Franchise Tax Board may be paid by check.

This bill would provide, notwithstanding specified provisions, that remittances of those taxes, and any interest and penalties thereon, to the Franchise Tax Board may be paid in the form of a credit account number and an authorization to draw upon a credit account, at that time and under those conditions prescribed by the board. It would also require that the Franchise Tax Board establish a pilot program for credit account remittances with regard to specified years and report, as specified, to the Legislature, on or before December 1, 1993, as to the implementation of that program.

Ch. 410 (AB 3835) Johnston. Insurance: insolvency.

Existing law makes no provision requiring the Insurance Commissioner to prepare a report upon the insolvency of an insurer, as specified.

This bill would so require. It would require the report to be public and to be submitted to the Governor and to the Legislature no later than one year from the date of insolvency.

Ch 411 (AB 3973) Assembly Committee on Judiciary. Family law.

(1) Existing law, operative July 1, 1990, recasts the law relating to the assignment of an obligor's wages or the payment of court ordered child or spousal support to combine the provisions relating to the assignment of an obligor's wages for the payment of court ordered child, spousal, and family support.

This bill would revise the definition of the term "assignment" as used in the recasted provisions to provide that "earnings assignment" has the same meaning as "assignment" and that "earnings assignment" and "wage assignment" have the same meaning and cover all "earnings," as defined.

This bill would make technical changes to certain of the recasted provisions governing wage assignment.

(2) Existing law allows each court commissioner, subject to the supervision of the court, to have specified enumerated powers, including acting as a temporary judge when otherwise qualified so to act and when appointed for that purpose, or by written consent of the party appearing at the hearing where the action is either uncontested or the other party or parties are in default.

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This bill would provide that each court commissioner shall have the power to act as a temporary judge when qualified so to act and when appointed for that purpose or by written consent of an appearing party.

(3) Existing law provides that upon registration, a foreign order for the assignment of wages for support is to be treated for all purposes in the same manner as an order for assignment of wages entered in the manner prescribed by existing law. Existing law also provides that after judgment in any court action brought to enforce the support obligation of an absent parent, the court may order an assignment of wages.

This bill would refer to the assignment of earnings rather than the assignment of wages and make related technical and clarifying changes.

(4) Existing law specifies a procedure for effecting a change of name. If the petition has been filed for a minor and the other parent does not join in consenting to the name change, the procedure provides that the petitioner shall, not less than 30 days prior to the hearing, serve notice of the time and place of the hearing or a copy of the order to show cause on the other parent by personal delivery or by any method authorized for the service of summons on persons outside the state.

This bill would provide that a copy of the order to show cause on the other parent is to be served in accordance with the general provisions governing service of persons within this state and outside this state.

(5) Existing law provides that any willful and knowing violation of specified restraining orders obtained as specified, is a misdemeanor punishable by a fine of not more than $1,000 or imprisonment in the county jail for not more than one year or by both the fine and imprisonment.

This bill would also make a willful and knowing violation of certain restraining orders that, on and after July 1, 1990, will be contained, in each summons in an action for dissolution or annulment of a marriage, for legal separation, an action in connection with domestic violence, or an action under the Uniform Parentage Act, a misdemeanor, punishable as specified above. This bill would thus establish a state-mandated local program.

(6) This bill would provide that specified provisions of this bill shall become operative July 1, 1990, or the effective date of this bill, whichever is later.

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

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

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

Ch. 412 (AB 4017) Bronzan. Health services.

(1) Existing law requires the State Director of Health Services to establish a statewide system for the collection of information determining the incidence of cancer, as specified, and provides that all information collected shall be confidential pursuant to a specified provision which requires confidentiality insofar as the identity of the individual patient is concerned and requires it to be used solely for specified purposes.

This bill would require all information reported pursuant to the above to be confidential pursuant to the above-described confidentiality provision except that the State Department of Health Services and any regional cancer registry designated by the department would be required to use the information to determine the sources of malignant neoplasms and evaluate measures designed to eliminate, alleviate, or ameliorate their effect The bill also would authorize the department and any regional cancer registry designated by the department to enter into agreements to furnish confidential information to specified persons or agencies for the purpose of determining the above if those persons or agencies agree in writing to maintain the confidentiality of the information, and, in the case of researchers, if they have obtained the approval of their committee for the protection of human subjects.

(2) Existing law imposes a number of duties on the State Department of Health Services.

This bill would permit the department to perform certain activities relating to the

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protection, preservation, and advancement of public health, and in performing any of those activities, to perform the activity directly, to enter into agreements for the performance of the activity, to apply for and receive grants for the performance of the activity, and to award grants for the performance of the activity.

Ch. 413 (AB 2892) Moore. Cable television.

Existing law empowers any city, county, or city and county in the state to authorize by franchise or license the construction of a community antenna television system. Existing law requires any franchise granted to provide cable television service in an area already franchised and served by an existing cable operator to require the franchisee to wire and serve the same geographical area, and to contain the same public, educational, and governmental access requirements that are set forth in the existing franchise.

This bill would limit that requirement to any additional franchise to provide cable television service in an area in which a franchise has already been granted and where an existing cable operator is providing service or certifies to the franchising authority that the existing operator is ready, willing, and able to provide service. It would also require the franchisee to wire and serve the geographical area within a reasonable time, and in a sequence which does not discriminate against lower income or minority residents.

Ch. 414 (AB 3031) Jones. Aging: community-based long-term care.

Existing law provides for various services for frail elderly and functionally impaired adults through the Institutionalization Prevention Services Program, commonly known as the Linkages Program, conducted by the Department of Aging.

This bill would require the department to establish a grants-in-aid pilot project, as part of the Linkages Program, to assist in the establishment of a new community-based long-term care program appropriate to an underserved or rural area, to assist in the provision of case management, as specified, and to assist in the development of a home- and community-based long-term care service system to accommodate sparse and widely disbursed populations, according to specified minimum requirements. The bill would also require the department to include an evaluation of the pilot project and the implementation of the pilot project in an annual report to be submitted to the Legislature.

Ch. 415 (AB 1621) Peace. Imperial County: criminal justice funding.

Existing law authorizes the establishment of a County Criminal Justice Facility Temporary Construction Fund in Imperial County, to be funded by specified penalty assessments and parking surcharges, and to be used for the construction of county criminal justice facilities, as specified, and the improvement of criminal justice automated information systems.

This bill would delete the improvement of criminal justice automated information systems from the authorized purposes of this fund, and would authorize the creation of a separate fund, the County Criminal Justice Investigation Fund, to be funded by specified additional penalties for a period of 5 years, and to be used for the improvement of criminal justice automated information systems and the establishment of a criminal justice forensic laboratory in Imperial County.

Ch. 416 (AB 2220) Harris. State resources: unlawful uses.

Under the Political Reform Act of 1974, no public officer shall expend any public moneys, as defined, for the purpose of seeking elective office.

This bill would provide that it shall be unlawful for any elected state officer, appointee, employee, or consultant, to use or permit others to use state resources for a campaign activity, or personal or other purposes which are not authorized by law, and would define various terms contained in this prohibition.

This bill would provide for civil penalties, as specified, for violations of this prohibition.

Ch 417 (AB 2697) Hannigan. Reclamation districts: delinquency sales.

(1) Under existing law, after any installment of an unpaid reclamation district assessment on which bonds have not been issued has become delinquent, the county treasurer

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is required to publish, as prescribed, a notice containing a list of all delinquencies in the county.

This bill would also require the county treasurer to mail the notice to the owner's last known address as shown on the latest county tax roll, thereby imposing a state-mandated local program. The bill would require the payment of a fee, to be determined by the district and the county treasurer, not to exceed the amount necessary to cover the costs incurred by the district and the county treasurer, where the delinquent installment, interest, and penalty are paid prior to the delinquency sale. The bill would make additional clarifying changes in the notice required to be sent at the expiration of the redemption period.

The bill would also include in the amounts required to be paid to redeem the property the reasonable costs incurred by the county treasurer and the district as a result of the delinquency sale and redemption and would make related changes.

(2) Under existing law, specified unpaid assessments of a reclamation district bear interest at the rate of 1% per month, and the amount paid for redemption of property sold for unpaid district assessments includes interest at the rate of 1% per month.

This bill would increase that rate of interest to 1½% per month.

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

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

Ch. 418 (AB 2791) Speier. Demolition permits.

Existing law does not regulate demolition permits granted to buildings containing hazardous air pollutants.

This bill would prohibit the issuance of a demolition permit as to any building or other structure except upon the receipt from the permit applicant of a copy of each written asbestos notification regarding the building that has been required to be submitted to the United States Environmental Protection Agency, or its designee, under certain provisions of federal law relating to hazardous air pollutants, except as otherwise specified. As to the agencies that issue demolition permits, this bill would thereby create a state-mandated local program.

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

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

Ch 419 (AB 2819) Epple. County retirement: Los Angeles County.

(1) The existing Public Employees' Retirement Law provides for the termination by contracting agencies of agreements with PERS, under specified conditions, and the transfer of employees, retirees, liabilities, and certain assets to a county retirement system established under the County Employees Retirement Law of 1937. Among the required conditions are requirements of a related agreement between the governing body of the affected contracting agency and PERS, that both retirees and employees be transferred to such a county, that the amount transferred not exceed the amount of the accumulated contributions credited to the agency and its employees, and that any amount representing the difference between the value of interests of the contracting agency and its employees and their credited accumulated contributions be credited to the reserve against deficiencies.

This bill would, instead, authorize PERS and the Los Angeles County Retirement Board to enter into an agreement for termination of the participation of a city in PERS only with respect to certain local safety members who have ceased to be employed by the city and have been employed by a county or district as a result of a transfer of firefighting or law enforcement functions from the city to the county or district and the inclusion of the former city employees in the county retirement system, under specified conditions, including the requirements that only employees, and not retirees, be trans-

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ferred, and that the amount transferred represent the actuarial value of those accumulated contributions but without any provision for the crediting of any excess to the reserve against deficiencies.

(2) An existing provision of the County Employees Retirement Law of 1937 allocates various duties in counties with both a retirement board and a board of investments among those boards.

This bill would add a similar provision with various technical and corrective changes, which would apply only to Los Angeles County.

(3) The County Employees Retirement Law of 1937 presently authorizes boards of supervisors to provide that the qualified-elector members of boards of retirement and boards of investments shall receive compensation at a rate of not to exceed $100 a meeting or a meeting of a committee authorized by the entire board for not to exceed 3 meetings a month.

This bill would require, for Los Angeles County only, that the committee meetings be authorized, instead, by a vote of 6 members of the board, rather than the entire board.

(4) A provision of the County Employees Retirement Law of 1937 authorizes the retirement board to issue subpoenas and subpoenas duces tecum, which are required to be signed by the chairman or secretary of that board or, if authorized by regulation, any referee it appoints, and those persons are also authorized to administer oaths.

This bill would authorize the retirement board to also delegate, by regulation, the powers to issue those subpoenas and to administer oaths to the retirement administrator.

(5) The County Employees Retirement Law of 1937 provides that the annual expense of administration shall not exceed 0.18% of the total assets of the retirement system, except that in Los Angeles County, until January 1, 1992, the limit would be 0.18% provided, that the expense of the county in any intervening year which exceeds 0.15% shall be restricted to capital improvements and related necessary system modernization and improvement services and that, thereafter, the limit for Los Angeles County would be 0.15%.

This bill would delete the exception for Los Angeles County and thereby increase the limit for Los Angeles County to 0.18%.

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

Ch. 420 (AB 2847) Floyd. Lottery: retailers.

(1) Existing law requires the California State Lottery Commission to promulgate rules and regulations specifying the manner of distribution, dissemination, or sales of lottery tickets to lottery game retailers or to the public.

This bill would require the commission to make available upon request to retailers, a model agreement to govern the division of prizes among multiple purchasers of a winning ticket or tickets purchased through a group purchase or pooling arrangement.

(2) The California State Lottery Act of 1984, an initiative measure, provides that the Legislature may amend the act to further the act's purposes with a ⅔ vote of each house

This bill, which would declare that it furthers the purposes of the act, would therefore require a ⅔ vote.

Ch 421 (AB 2944) Clute. Mobilehome parks: sale.

Existing law requires an owner of a mobilehome park who enters into a written listing agreement with a real estate broker, as defined, for the sale of the park, or who offers to sell the park to any party, to provide written notice that the park is for sale by first-class mail or by personal delivery to the president, secretary, and treasurer of a resident organization formed pursuant to specified provisions of existing law, not less than 10 days but no more than 30 days prior to entering into any written listing agreement for the sale of the park or making any offer to sell the park. These requirements are applicable if the resident organization has complied with certain specified conditions.

This bill would instead require this written notice to be sent or delivered to any resident organization, as defined, not less than 30 days, nor more than one year, prior to entering into the written listing agreement or offering to sell the mobilehome park. The bill would repeal all of the above provisions as of January 1, 1995.

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Ch. 422 (AB 3047) Bentley. Retail sales: refund policy.

Existing law does not require a retail store which sells goods to the public to display its policy with regard to cash refunds, credit, or exchange of items.

This bill would impose such a requirement, as specified, and would provide that a store which violates this requirement shall be subject to certain civil remedies, as specified.

Ch. 423 (AB 3098) Roybal-Allard. Postsecondary education: student safety.

Under existing law, higher education in California is provided by the University of California, the California State University, the California Community Colleges, and certain independent colleges and universities throughout the state. Numerous provisions regarding the responsibilities of the various components of the higher education system in California are codified in the Donahoe Higher Education Act.

This bill would add provisions to the Donahoe Higher Education Act requiring 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, the Board of Governors of the California Maritime Academy, and the Regents of the University of California to each adopt, and implement at each of their respective campuses or other facilities, a written procedure or protocols to ensure that specified victims of sexual assault, as defined, committed at or upon the grounds of, or upon off-campus grounds or facilities maintained by the institution, or upon grounds or facilities maintained by affiliated student organizations of, these colleges and universities shall receive treatment and information, as specified. The bill would require each segment of higher education to implement these requirements from existing funds and resources available to it.

The provisions of this bill would be applicable to the Board of Directors of the Hastings College of the Law and the Regents of the University of California only to the extent that these bodies adopt resolutions to make these provisions applicable.

The bill would also require each private postsecondary educational institution and private vocational educational institution, as defined, to comply with its provisions.

Ch. 424 (AB 3147) Speier. Trespass: airports.

Existing law makes it a misdemeanor for persons to engage in certain acts of trespass.

This bill would make it a trespass for any unauthorized person to knowingly enter upon any airport operations area, as defined, if the area has been posted with notices restricting access to authorized personnel only and the posting occurs not greater than every 150 feet along the exterior boundary. To the extent that this bill would expand the scope of the crime of trespass, the bill would impose a state-mandated local program.

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

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

Ch. 425 (AB 3175) Floyd. Alcoholic beverage licensees: fixtures and supplies.

Under existing law, no manufacturer, bottler, importer, or wholesaler of products of the brewing industry may furnish, give, rent, lend, or sell, directly or indirectly, any equipment, fixtures, or supplies, other than alcoholic beverages, to any person engaged in operating, owning, or maintaining any onsale premises where alcoholic beverages are sold for consumption on the premises.

This bill would permit a manufacturer, winegrower, manufacturer's agent, rectifier, California winegrower's agent, distiller, bottler, importer, or wholesaler to provide to licensed retailers, and their employees, (A) food and beverages for consumption at a meeting at which the primary purpose is the discussion of business, and local ground transportation to and from those meetings, and (B) tickets or admission to athletic activities or other forms of entertainment, food and beverages for consumption at those activities, and local ground transportation to and from those activities.

This bill would also permit a beer manufacturer or beer wholesaler to furnish, give, rent, lend, or sell, any equipment, fixtures, or supplies, other than alcoholic beverages, to a retailer whose equipment, fixtures, or supplies were lost or damaged as a result of

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a natural disaster. This provision would not, however, apply to transactions which occur 6 weeks or more after the Governor proclaims an area to be in a state of disaster.

The bill would repeal an obsolete provision of law relating to an earthquake that occurred in 1964.

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

Ch. 426 (AB 3385) Ferguson. Manufactured housing.

Under existing law, counties and cities, including charter cities, are prohibited from precluding the installation of federally certified manufactured housing on a foundation system on lots zoned for conventional single-family residential dwellings and are prohibited from applying any development standards that would preclude the installation of manufactured homes as permanent residences. Cities and counties are permitted to impose specified architectural requirements on manufactured homes even if similar requirements are not imposed on conventional single-family residential dwellings.

This bill would prohibit a city, including a charter city, county, or city and county, from imposing size requirements for a roof overhang of a manufactured home subject to the above provisions, unless the same size requirements also would be imposed on a conventional single-family residential dwelling constructed on the same lot.

Ch. 427 (AB 3678) Cortese. Criminal proceedings: arraignment.

Existing law authorizes a 4-year pilot project, in specified counties, for the use of 2-way television to be used in felony arraignments, and requires annual reports to be submitted to the Legislative Analyst by each county conducting a project containing certain data, as specified.

This bill would authorize any California county to participate in the pilot project, rather than only specified counties, would permit the use of 2-way television to be used in arraignments for misdemeanor charges as well as felony charges, and would consolidate affected provisions.

This bill would repeal these provisions regarding a pilot project for the use of 2-way television in arraignments as of January 1, 1993

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

Ch. 428 (AB 3811) W. Brown. Courts: calendar preference for aged parties.

Under existing law, the courts are required to give preference on the calendar to any civil action involving a party 70 years of age or older who petitions the court, unless the court determines that the petitioning party does not have a substantial interest in the case as a whole.

This bill would instead require a court to grant a preference upon motion of a party 70 years of age or older if the court finds that the party has a substantial interest in the case as a whole and the health of the party makes the preference necessary to avoid prejudicing his or her interests.

Ch. 429 (AB 3904) Wyman. Vehicles: regulation: California Highway Patrol.

(1) Under existing law, any person who dumps, spills, or causes the release of a hazardous material or hazardous waste on the highway is required to notify the Department of the California Highway Patrol or the agency having traffic jurisdiction for that highway.

This bill would clarify that the penalty for failure to report a hazardous material or hazardous waste spill is a misdemeanor and not an infraction.

(2) Existing law prohibits any person from transporting any explosive substance, flammable liquid, liquified petroleum gas or poisonous gas in a tank truck, trailer, or semitrailer equipped with an external shutoff valve, unless the vehicle is also equipped with an internal shutoff valve to prevent release of the substances.

This bill would delete that provision.

(3) Existing law requires vehicles transporting specified hazardous materials to display placards or markings in accordance with specified federal regulations.

This bill would require those vehicles to comply with regulations of the department regarding the transportation of hazardous materials.

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(4) Under existing law, the department is required to inspect cargo tanks, as defined.

This bill would revise the definition of "cargo tanks" to exclude any stationary fuel dispensing storage tank or mobile meter calibration unit containing only residue and not exceeding 120 gallons.

(5) Under existing law, the department is required to regulate the safe operation of specified commercial vehicles and buses. Camp trailers, trailer coaches, and utility trailers are specifically excluded from regulation.

This bill would delete duplicative language specifying the excluded vehicles.

(6) Under existing law establishing limitations on drivers' hours of service when operating commercial vehicles, driving hours and on-duty status may not begin following less than 8 consecutive hours off duty.

This bill would permit a driver to accumulate the required 8 consecutive hours off duty resting in a sleeper berth in 2 separate periods of at least 2 hours each totalling 8 hours.

(7) Under existing law, it is a misdemeanor to fail to comply with any rule or regulation of the department regarding school, youth, and tour bus equipment, maintenance, and operation.

This bill would also make it a misdemeanor for any person to fail to comply with regulations regarding equipment, maintenance, or operation of a school pupil activity bus.

(8) Since the bill would create new crimes, it would impose a state-mandated local program.

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

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

(9) This bill would incorporate additional changes in Section 34506 of the Vehicle Code, proposed by SB 2462, to be operative only if SB 2462 and this bill are both chaptered and become effective on January 1, 1991, and this bill is chaptered last.

Ch. 430 (AB 4272) Hauser. Health: local health services.

Under existing law, specified funds appropriated from the Cigarette and Tobacco Products Surtax Fund are allocated for rural health services provided by counties, hospitals, physicians, and other service providers to eligible persons.

Under existing law, as a condition of receiving funds under the Expanded Access to Primary Care program, operative until July 1, 1991, clinics must provide or arrange medically necessary followup treatment for any condition detected as part of a child health and disability prevention screen. Existing law limits a clinic's responsibility to provide dental treatment services to a child under the Expanded Access to Primary Care program to $1,000 per year, less any reimbursement received for dental treatment services.

The bill would, instead, limit a clinic's responsibility to provide dental treatment services to $1,000 per year, in addition to any reimbursement received for dental treatment services.

Existing law, until July 1, 1991, requires the State Department of Health Services, local lead agencies, and the State Department of Education to cooperate in a program of activities directed at the prevention of tobacco use and tobacco-related disease, and authorizes grants of funds to public or private nonprofit entities approved by the State Department of Health Services or the State Department of Education for those purposes.

Until July 1, 1991, existing law provides that any person under 21 years of age who is eligible for the California Medical Assistance Program and any person under 19 years of age whose family income does not exceed 200% of the federal poverty level shall be eligible for services under the Child Health and Disability Prevention Program.

This bill would revise the eligibility requirements for that program to include any child between birth and 90 days after entrance into the first grade and any person under 21 years of age whose family income does not exceed 200% of the federal poverty level.

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Existing law appropriates funds from the Cigarette and Tobacco Products Surtax Fund, and until July 1, 1991, provides for the allocation of those funds to local entities for the provision of health care services to eligible indigent persons, establishes various conditions for receipt of those funds by local agencies, and requires local agencies to report on various aspects of local health care services.

Under existing law, operative until July 1, 1991, the State Department of Health Services is required, when allocating money to counties which contract with the department for the administration of health services which has been appropriated from the Hospital Services Account in the Cigarette and Tobacco Products Surtax Fund for allocation to counties for the provision of health care to certain eligible recipients, to determine the counties' share according to a specified formula.

This bill would revise that formula.

Existing law authorizes counties to use funds allocated from the Hospital Services Account in the Cigarette and Tobacco Products Surtax Fund, pursuant to provisions of law, operative until July 1, 1991, to provide reimbursement for services provided on or after July 1, 1989.

This bill would, instead, require that those funds be used for that purpose.

Existing law authorizes each county to enter into a contract with the State Department of Health Services in which the department agrees to assume the responsibility to pay for the cost of treatment services provided on or after July 1, 1990, to children under the rural health services program operative until July 1, 1991.

This bill would also authorize each county entering into the contract to contract with the department to administer the distribution and monitoring of funds allocated from the Hospital Services Account in the Cigarette and Tobacco Products Surtax Fund under the California Healthcare for Indigents Program.

Under existing law, counties are required to meet certain requirements as a condition of receiving rural health services funds allocated under provisions of law operative until July 1, 1991.

This bill would also require, as a condition of receipt of those funds, that counties, when submitting applications for the funds, include certain information on programs and services which will receive funding, for review and approval by the State Department of Health Services.

Until July 1, 1991, existing law requires the State Department of Health Services to compute specified data on uncompensated care costs reported by hospitals within each county providing health care services, and to annually verify and transmit the data to those counties

This bill would, in addition, require the State Department of Health Services to collect, verify, and transmit that data with respect to counties which contract with the State Department of Health Services for the provision of health care services.

Existing law establishes limitations on the use of funds received from the Hospital Services Account in the Cigarette and Tobacco Products Surtax Fund pursuant to the California Healthcare for Indigents Program, operative until July 1, 1991, and provides for the use of a specified portion of the money for payment or support of services provided on or after July 1, 1989, by noncounty hospitals within each county.

This bill would delete the requirement that the payment or support of services be to noncounty hospitals within each county, and instead, authorize the use of the funds for the payment or support of services provided by all noncounty hospitals, and would apply that method of allocation and noncounty hospital limitation to funds allocated to the counties for rural health care services.

Under existing law, until July 1, 1991, as a condition of receiving funds under the California Healthcare for Indigents Program, any hospital shall, within 90 days of the receipt of those funds, cease all current and waive all future collection efforts to obtain any payment from the patient with respect to whom the services funded under that program were rendered.

This bill would also impose that condition on counties on the receipt of money for the provision of rural health services.

Under existing law, as a condition of receiving funds under the California Healthcare

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for Indigents Program, a county is required to provide, or arrange and pay for, medically necessary followup treatment for any condition detected as part of a child health and disability prevention screen, upon referral by a child health and disability prevention program provider.

This bill would include necessary followup dental treatment to that condition, would require that followup medical and dental treatment if the child was screened by the county or upon referral by a child health and disability prevention program provider, and would make additional conforming changes.

The bill would make various technical changes.

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

Ch. 431 (SB 1150) Lockyer. Vehicles: records and driving offenses.

(1) Under existing law, residence addresses in records of the Department of Motor Vehicles are confidential, and the release of mailing addresses is restricted. Those addresses may be released only to specified persons.

This bill would require the release of those addresses to an attorney who states under penalty of perjury that the information is necessary to represent his or her client, as specified. The bill would impose a state-mandated local program by creating new crimes.

(2) Under existing law, a person's privilege to operate a motor vehicle may be suspended or revoked if the person is convicted of driving a vehicle while under the influence of an alcoholic beverage, any drug, or both, driving with an excessive blood-alcohol concentration, or driving while addicted, or if the person refuses to submit to chemical testing of his or her blood, breath, or urine after arrest for those offenses. The period of the suspension or revocation is enhanced if the person has had convictions of separate offenses of that prohibition or, in certain circumstances, convictions of reckless driving involving alcohol, within a specified 7-year period.

Existing law, additionally, authorizes the Department of Motor Vehicles to suspend the person's privilege to operate a motor vehicle for 6 months on a first violation or one year on any subsequent violation within 7 years if the department finds that the person was driving a motor vehicle with an excessive concentration of alcohol in his or her blood, except if the person has a commercial driver's license, as defined, or if the person subsequently enrolls in an alcohol treatment program, as specified. If the person has a commercial driver's license and has no separate violations of alcohol-related offenses or suspensions, as specified, within 7 years, the department is required to suspend the person's driving privilege for 30 days and then issue the person a restricted license for driving to and from, and in the course and scope of, employment. If the person subsequently enrolls in an alcohol treatment program, as specified, the department is required to suspend the person's driving privilege for 30 days and then issue the person a restricted license for driving to and from the treatment program under specified conditions.

This bill would extend the period of suspension to one year on a first violation or administrative determination of refusal or offense and would require the revocation, instead of suspension, for 2 years, instead of one year, for subsequent violations or administrative determinations. Thus, the bill would provide that the enhanced period of revocation would be imposed upon either a criminal conviction or an administrative determination of refusal or offense if the person had a separate administrative suspension or revocation or a criminal conviction, or a combination of those convictions and administrative determinations.

The bill would authorize the court to postpone the suspension of a person's driving privilege until after the person has served a term of imprisonment in specified cases.

The bill would also conform those provisions to the lowered blood-alcohol concentration of 0.08% enacted by Chapter 1114 of the Statutes of 1989.

(3) Existing law authorizes a peace officer to serve the notice of the order of suspension under both of the provisions described in (1) on the person, as specified, which would become effective 45 days after the date of the notice of suspension or revocation, and to take the person's driver's license under specified circumstances If the officer takes the license, the officer is required to issue a temporary permit to operate a motor

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vehicle, valid for 45 days, to the person. Existing law provides for administrative review of the order of suspension and provides for an administrative hearing upon request of the person, if demanded within 10 days, as specified, within the 45-day period under specified circumstances. The administrative review is required to be made before the effective date of the order of suspension, but the effective date of the order is not stayed by the administrative review or by a request for administrative hearing, except that the person's driving privilege is required to be restored and his or her driver's license returned upon appearance at the hearing and the privilege may be resuspended only upon finding of proper suspension. Existing law requires the department to provide forms for the temporary permit and notice of the order of suspension served by the officer.

This bill would delete the provisions regarding restoration of the person's driving privilege and return of the license during the hearing and the time that the department has to make its finding after the hearing, and would delete the requirement that the license be resuspended only after a hearing determination that it was properly taken. The bill would, instead, condition restoration of the license upon a determination that the person is otherwise eligible. The bill would also delete a requirement for a written demand for a hearing.

This bill would also require the officer to use the notice of suspension form provided by the department and would delete the requirement that the department provide forms for the temporary permit. Instead, the bill would provide that the temporary driver's license shall be an endorsement on the order of suspension, which would be valid for 45 days.

(4) Existing law provides that the fee for the issuing, reissuing, or return of a license suspended for refusing or failing to complete the required chemical testing or a license suspended for driving with an excessive concentration of alcohol in the blood is to be an amount determined by the department to be sufficient to pay the administration of the suspension programs, specified costs of the Department of the California Highway Patrol, and any reimbursement for costs mandated by the state under specified provisions of law, not to exceed $100. Existing law exempts from the fee any suspension or revocation that is set aside by the department or a court.

This bill would, instead, make that fee $100 for restoration of the license and would delete the exemption from the fees for a temporary order issued by an officer that is rescinded by the department, thereby imposing a tax for purposes of Article XIII A of the California Constitution.

(5) Existing law requires that a person convicted of a 2nd or subsequent violation of designated driving offenses involving alcohol or drugs be imprisoned in a jail or other specified facility for at least one consecutive 48-hour period, or be required to serve not less than 10 days of community service. The requirement does not apply to certain 3rd-time offenders for whom the prescribed punishment is a specified period in the state prison or a specified fine. However, those persons may, under other provisions, be sentenced to a term in the county jail not to exceed one year.

This bill would apply the requirement of 48 hours' imprisonment or 10 days of community service to those 3rd-time offenders.

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

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

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

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

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Ch. 432 (SB 1798) Rogers. Agriculture: pesticides.

Under the Birth Defect Prevention Act of 1984, the Director of Food and Agriculture is required to monitor compliance with the timetable for the filling of all data gaps on all pesticide active ingredients which are registered or licensed in California.

This bill would require the director to also review the timetable established by the Environmental Protection Agency for the accelerated registration program under amendments effective in 1989 to the Federal Insecticide, Fungicide, and Rodenticide Act.

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

Ch. 433 (SB 2030) Boatwright. County employee retirement: benefits.

(1) The County Employees Retirement Law of 1937 authorizes members to receive service credit for various periods of "public services," as defined, upon payment of specified contributions.

This bill would authorize members and retired members to pay contributions for service in the merchant marine of the United States during a specified period and prescribes the method of recalculating retirement benefits in counties where the board of supervisors make the provisions applicable. This new authorization would impose state-reimbursable, state-mandated local negotiating costs since its exercise would be subject to negotiation under existing law relating to local public employer-employee relations.

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

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 434 (SB 2044) Rosenthal. Charter-party carriers: identifying symbols.

Under existing law, no charter-party carrier of passengers may operate any motor vehicle on any public highway unless there is displayed on the vehicle a distinctive identifying symbol in the form prescribed by the Public Utilities Commission showing the classification to which the carrier belongs. For motor vehicles designed to carry not more than 8 passengers, the commission is required to issue a suitable decal which is required to be affixed to the lower right hand corner of the rear bumper of the vehicle.

This bill would require the decal to have an identifying symbol and to be a minimum size of 2½ inches by 6 inches.

Ch. 435 (SB 2571) Lockyer. Aging: elder abuse: isolation.

Under existing law, "abuse of an elder or dependent adult" is defined as physical abuse, neglect, intimidation, cruel punishment, fiduciary abuse, abandonment, or other treatment with resulting physical harm or pain or mental suffering, or the deprivation by a care custodian of goods or services necessary to avoid physical harm or mental suffering. Specified persons are required to report incidents of physical abuse and are permitted to report incidents of other types of abuse. Physical abuse is defined as including, under specified conditions, the use of physical or chemical restraint, medication, or isolation.

This bill would instead specify that physical abuse includes the use of physical or chemical restraint, or psychotropic medication, and would recast the conditions under which their use constitutes physical abuse. It would include isolation, as defined, as abuse of an elder or dependent adult, which persons would be permitted to report. It would, in addition, specify that the acts described would be subject to a rebuttable presumption that they do not constitute isolation if performed pursuant to the instructions of a physician, and would not constitute isolation if performed in response to a reasonably perceived threat of danger to property or physical safety.

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This bill would make various technical changes.

Ch. 436 (AB 1989) Hannigan. Fire protection.

Existing law requires the State Fire Marshal to prepare and adopt regulations establishing minimum standards for the prevention of fire and for the protection of life and property against fire for specified buildings, including buildings or structures used as a home or institution for the housing of persons placed in the home or institution for protective social care and supervision by governmental agencies. Existing law also provides for specific fire safety standards regarding buildings of the above nature that house nonambulatory persons and defines the term "nonambulatory person" for those purposes.

This bill would establish additional fire safety building standards for buildings, operated as residential care facilities for the elderly and licensed to care for more than 6 persons, which house nonambulatory persons. The standard would vary according to the various floors on which the nonambulatory persons are housed, as specified. These standards would be enforced pursuant to specified provisions of law providing for division of authority between the State Fire Marshal and local agencies, and would thereby impose a state-mandated local program. The bill would require that these standards have uniform application statewide, with no local authority to adopt inconsistent standards.

This bill would authorize the State Fire Marshal to adopt regulations establishing a reasonable fee for final inspection not to exceed the actual costs of inspection to the inspection agency

Any person who violates the provisions regarding fire protection or any order, rule, or regulation made pursuant to those provisions is guilty of a misdemeanor. Therefore, this bill would impose a state-mandated local program by changing the definition of a crime.

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

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

Ch. 437 (AB 2679) Tanner. Industrial Welfare Commission: membership.

Existing law requires that the Industrial Welfare Commission be composed of 2 nonlawyers belonging to a recognized labor organization, 2 representatives of employers, and one representative of the general public, with the membership including members of both sexes.

This bill would specify that 2 representatives of organized labor who are members, rather than nonlawyer members, of recognized labor organizations be on the commission.

Ch. 438 (AB 3330) Frazee. Landscape architecture.

Existing law provides for the certification and regulation of landscape architects, as defined.

This bill would require certified landscape architects to provide the customer with a detailed written contract, as specified.

Ch. 439 (SB 2060) Killea. School districts: purchases.

Existing law authorizes the governing board of any school district to purchase supplementary textbooks, library books, educational films, audiovisual materials, test materials, workbooks, or periodicals in any amount needed for the operations of its schools without complying with the competitive bidding requirements prescribed by existing law.

This bill would additionally authorize school districts to purchase instructional computer software packages without complying with these requirements and would state that it is declaratory of existing law and practice.

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Ch. 440 (SB 2109) B. Greene. Wages: payment by mail.

Existing law provides that the wages of an employee not having a written contract for a definite period who quits his or her employment shall be due and payable not later than 72 hours thereafter, unless the employee has given 72 hours previous notice of his or her intention to quit, in which case the employee is entitled to his or her wages at the time of quitting.

This bill would provide that, notwithstanding any other provision of law, an employee who quits without providing a 72-hour notice shall be entitled to receive payment by mail if he or she so requests and designates a mailing address, and that the date of the mailing shall constitute the date of payment for purposes of the requirement to provide payment within 72 hours of the notice of quitting.

Ch. 441 (AB 2883) Speier. Vehicles: speed limit: senior centers.

(1) Existing law prescribes a prima facie speed limit of 25 miles per hour when passing a school building or its grounds contiguous to a highway and posted with a standard school warning sign while children are going to or leaving the school either during school hours or the noon recess period. Local authorities are authorized to decrease that speed limit to 20 or 15 miles per hour, whichever is found more appropriate.

This bill would establish a prima facie speed limit of 25 miles per hour when passing a senior center or other facility primarily used by senior citizens which is contiguous to a street other than a state highway and posted with a "SENIOR" warning sign. A local authority would not be required to erect these signs until donations from private sources covering these costs are received and it determines the signing should be implemented. The bill would specify that a local authority may erect the signs at its own expense. Local authorities would be authorized to decrease that speed limit to 20 or 15 miles per hour, whichever is found more appropriate. Because a violation of the established speed limit would be an infraction, the bill would impose a state-mandated local program by creating a new crime or infraction.

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

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

Ch. 442 (AB 3080) Floyd. Secondhand dealers.

Existing law requires a secondhand dealer to obtain a license from the local licensing authority, as specified, and requires that license be renewed annually, including the payment of a renewal fee.

This bill would provide that the license be renewed every other year.

This bill would, in addition, authorize the Department of Justice to charge a fee for processing the renewal of that license of not more than $12 which would be required to be collected by the local authority and transmitted to the department along with a copy of the renewed license.

This bill would impose a state-mandated local program by imposing new duties upon local agencies.

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

This bill would provide that the Legislature declares that this act mandates a new program or higher level of service on local government which require reimbursement pursuant to these constitutional and statutory provisions and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 443 (SB 2347) Petris. Public assistance: food stamps.

(1) Existing law requires counties to implement the distribution of federal food stamps, and requires the State Department of Social Services to establish procedures for the county administration of the distribution of the food stamps.

Until July 1, 1991, existing law requires counties to provide food stamp benefits on an

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expedited basis to households determined to be in immediate need of food assistance.

This bill would delete the July 1, 1991, termination date of the expedited food stamp service which counties must provide, thereby resulting in a state-mandated local program.

(2) Until July 1, 1991, existing law requires counties to orally inform an applicant for food stamps of the availability of expedited service and to assist an applicant to complete an application for expedited service under the food stamp program.

This bill would delete the July 1, 1991, termination date of that requirement, thereby resulting in a state-mandated local program.

(3) Until July 1, 1991, existing law prohibits the State Department of Social Services from imposing additional requirements for the verification of eligibility for expedited service other than those minimum requirements that exist under federal law.

This bill would delete the July 1, 1991, termination date of that prohibition.

(4) Until July 1, 1991, existing law requires the State Department of Social Services to collect data on the number of food stamp applications and disposition of the applications, and report the data to the Legislature. The department is further required to collect information on food stamp overissuances and underissuances as a result of expedited service, and the number of cases closed after issuance for failure to apply for ongoing benefits.

This bill would delete the requirements that the department report to the Legislature and collect information on food stamp overissuance, underissuance, and case closures. It would also delete the July 1, 1991, termination date of the provisions.

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

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 444 (SB 2174) Bergeson. *School district elections.*

Existing law directs that, in the event that a unified school district is formed in an even-numbered year, and a governing board for that district is elected in that year, all members of the governing board serve until November of the 2nd succeeding odd-numbered year. Existing law further provides that, of the governing board members elected at that 2nd election, the majority of members receiving the highest number of votes each serve a 4-year term prior to the next election, while the other members each serve a 2-year term.

This bill would provide that, notwithstanding those provisions, the governing board may direct that the majority of the members who received the highest number of votes in the 1st governing board election for the district shall each serve until November of the 3rd odd-numbered year succeeding that initial election, and that the other members would each serve until November of the 2nd odd-numbered year succeeding that initial election, as specified.

Ch. 445 (AB 2068) Bentley. Long-term health care facilities.

Existing law establishes classes of citations issued by the State Department of Health Services in its regulation of long-term health care facilities when it determines there are violations of law relating to the operation of those facilities. The classes of citations reflect the seriousness of the violations and are punishable by specified civil penalties.

This bill would require moneys collected as civil penalties for violations of law relating to long-term health care facilities to be deposited in the Health Facilities Citation Penalties Account, which would be established in the Special Deposit Fund, to be used, upon appropriation by the Legislature, for specified purposes relating to the protection of health or property of residents of long-term health care facilities.

The bill would prohibit the balance in the account, from exceeding $1,000,000.

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Ch. 446 (SB 2447) McCorquodale. Benefit assessments: municipal bonds.

(1) Under the Benefit Assessment Act of 1982, the legislative body of a local agency may levy a benefit assessment upon real property pursuant to specified procedures to finance the maintenance and operation costs of drainage, flood control, street lighting, streets, roads, or roadways.

This bill would revise procedures under that act for notifying persons of a proposed assessment and submitting a proposed assessment to voters at an election, to distinguish between elections by registered voters and elections by landowners. The bill would also prescribe procedures for the imposition of a benefit assessment under the act to cure a bond redemption fund deficiency.

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

This bill would authorize a city to create an improvement district under the Benefit Assessment Act of 1982 to secure assessment bonds issued under the 1915 act.

The bill would authorize a city to employ a trustee on behalf of bondholders to commence any foreclosure action regarding the delinquent payment of assessments which secure bonds issued under the 1915 act.

(3) Under existing law, assessment procedures prescribed by the Municipal Improvement Act of 1913 may be utilized by local agencies to acquire or install works, appliances, and improvements which are, or may be, under the control of another public agency or a regulated public utility.

This bill would define a regulated public utility, for these purposes, to include a cable television company.

(4) The bill would make numerous technical and procedural changes in provisions relating to bonds of local agencies, including a joint exercise of powers authority.

Ch 447 (AB 2723) Felando. Traffic control devices

Under existing law, a specified state prison or county jail term is required to be imposed as punishment on any person who willfully commits specified acts relative to the injury or removal of a traffic control device, guidepost, or signpost, or historical marker, or who uses or whose vehicle is equipped with an unauthorized device that interrupts or changes the sequence of a traffic control signal, when the violation results in injury or death to a person.

This bill would also authorize a fine of not less than $5,000 nor more than $10,000 to be imposed on those persons. If the violation does not result in injury to, or the death of, a person, the violation would be punishable by a fine of not more than $3,000. The bill would require the court to allow the offender to perform community service in lieu of all or part of the fine.

Ch. 448 (SB 1975) Torres. Education: specialized secondary schools.

Under existing law, school districts receive apportionments for summer school based generally on summer school attendance during the 1983–84 fiscal year, adjusted for various factors. Saturday school programs are also eligible for summer school apportionments if they meet certain conditions.

Existing law declares that it is the intent of the Legislature to assist in the establishment of specialized high schools in the state to provide advanced instruction and training in high technology fields and in the performing arts, and makes certain provisions for specialized secondary schools.

This bill would require that a specialized secondary school operated by a county superintendent of schools be considered a school district for purposes of receiving summer school apportionments. It would also require that a specialized secondary school which includes a pupil in its summer school enrollment notify the pupil's school district of original attendance, and that the school district of original attendance not include the enrollment of that pupil in its summer school enrollment.

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

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Ch. 449 (AB 160) Polanco. Redevelopment agencies.[6]

This bill would require the Legislative Analyst to conduct a study of the use of eminent domain by redevelopment agencies, as specified, and to provide a report to the Legislature on or before April 1, 1992. The bill would appropriate $75,000 to the Legislative Analyst for the purpose of the study.

Existing law provides for special supplemental subventions, computed as specified, for, among other entities, redevelopment agencies which would lose substantial revenue due to the repeal of existing personal property tax subventions.

This bill would modify the computation formula applicable to those redevelopment agencies for purposes of determining the subventions to be allocated to those agencies for the 1990–91 fiscal year, as specified. The bill would change the payment schedule for these subventions to require two payments on specified dates.

In addition, the bill would prohibit any redevelopment agency from pledging these subventions as security for any bonds.

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

Ch. 450 (SB 57) Lockyer. Unclaimed property.

(1) Existing law authorizes a person to present a claim to the Controller for money or other property with a value of less than $1,000 if the unclaimed money or other property is deposited in the State Treasury or if it is held by the state or its officers for 3rd persons or its title has vested in the state subject to the right of 3rd persons, and the period to claim that money or other property has not terminated. The Controller is authorized to allow and pay a claim with the approval of the State Board of Control and the Attorney General.

This bill would increase the value of the money or other property for which a person is authorized to present a claim to the Controller from $1,000 to $60,000. This bill would require that a claim made in the form prescribed by the Controller include specified information. This bill would delete the requirement that the Controller have the approval of the State Board of Control and the Attorney General prior to allowing and paying a claim. This bill would authorize any person aggrieved by a decision of the Controller to commence an action, naming the Controller as the defendant, to establish his or her claim, as specified.

(2) Existing law, known as the Unclaimed Property Law, specifically excludes the federal government from the governmental entities included within its operation.

This bill would delete that specific exclusion.

The Unclaimed Property Law also provides that the holder, as defined, of certain unclaimed property is not required to file a report concerning, or to pay or to deliver to the Controller, any property not subject to that law as it existed prior to January 1, 1969, unless on January 1, 1969, that property has been held by the holder for less than the escheat period applicable to the particular property, as defined to include the 6-month and 7- or 15-year escheat periods specified in that law.

This bill would revise that definition of the escheat period to refer generally to whichever period is applicable to the particular property.

(3) Existing law requires the Controller to cause a notice to be published in a newspaper of general circulation, as specified, within a prescribed period of time after the receipt of escheated property and to mail a notice to persons who appear to be entitled to the property, as specified.

This bill would revise those provisions to require the Controller to cause a notice to be published within one year after payment or delivery of escheated property and to mail a notice to those persons within 180 days from the final date for filing the report on escheated property.

(4) Existing law generally requires every person who has filed a report on escheated property, within 6 months from the final date for filing reports, to pay or deliver to the Controller all escheated property specified in the report.

This bill would require every person filing a report to pay or deliver to the Controller all escheated property specified in the report at the same time the report is filed.

This bill would provide that records of the Controller's office pertaining to unclaimed property are not available for public inspection or copying until after publication of

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notice of the property or, if publication of notice of the property is not required, until one year after delivery of the property to the Controller.

(5) Under the Unclaimed Property Law, personal property escheats to the state after being unclaimed, in various periods of time depending on the property.

This bill would set a uniform 3-year period for the escheat of this property, with the exception of sums payable on travelers checks and money orders issued by business associations. The bill would also revise the time period in which banking and financial institutions are required to attempt to notify customers of the possibility of their deposits escheating to the state.

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

Ch. 451 (AB 116) Floyd. Apprenticeship programs. fees.

Existing law provides for apprenticeship programs within the Division of Apprenticeship Standards sponsored by specified entities or employers. Under existing law, the wages and working conditions for apprentices are regulated by the Department of Industrial Relations.

This bill would authorize the Director of Industrial Relations to assess fees on the participants or sponsors of the apprenticeship programs, or both, and would allow the director to use the fees to fund those apprenticeship programs he or she deems appropriate in the event of unanticipated decreases in support from the General Fund.

This bill would make an appropriation by providing for the collection of fees and authorizing their expenditure

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

Ch. 452 (AB 274) Isenberg. Income taxes. bank and corporation taxes.

Under the existing Personal Income Tax Law and Bank and Corporation Tax Law, various provisions of the federal Internal Revenue Code as enacted as of a specified date are referenced in various sections of the Revenue and Taxation Code. Existing law provides that for taxable years beginning on or after January 1, 1989, the specified date of those referenced Internal Revenue Code sections is January 1, 1989

Existing law provides that for any introduced bill which proposes changes in any of those dates, the Franchise Tax Board shall prepare a complete analysis of the bill which describes all changes to state law which will automatically occur by reference to federal law as of the changed date. It further requires the Franchise Tax Board to immediately update and supplement that analysis upon any amendment to the bill, and requires that analysis to be made available to the public and to be submitted to the Legislature for publication in the daily journal of each house of the Legislature

This bill would change the specified date of those referenced Internal Revenue Code sections to January 1, 1990, for taxable years beginning on or after January 1, 1990, and thereby would make numerous substantive changes to both the Personal Income Tax Law and Bank and Corporation Tax Law with respect to those areas of preexisting conformity which are subject to changes under federal laws enacted after January 1, 1989, and which have not been or are not being excepted or modified.

This bill would make certain new changes in federal income tax laws applicable, with specified exceptions and modifications, for purposes of the Personal Income Tax Law or the Bank and Corporation Tax Law, or both, including among other things, substantive, clarifying, supplemental, or nonsubstantive technical changes relating to treatment of certain amounts paid to charity, research and development credits, nondiscrimination rules, certain high yield original issue discount obligations, treatment of certain loans with below market interest rates, depreciation and amortization, installment sales, methods of accounting, penalties, cooperatives, built-in gain and loss, reorganizations, certain exchanges of insurance policies, exchange of stock for stock, treatment of some partnership allocations, recapture of LIFO benefits, treatment of an affiliated group, dividends received, corporate distributions, deferred compensation, long-term contracts, accrual of vacation pay, and information with respect to certain foreign-owned corporations.

This bill would also make various technical and clarifying supplemental changes to the Personal Income Tax Law and the Bank and Corporation Tax Law.

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This bill would require the Controller to transfer from the Retail Sales Tax Fund to the Disaster Relief Fund, which is a continuously appropriated fund, an amount equal to the revenues attributable to the ¼¢ state sales and use tax increase imposed between November 7, 1990, and December 31, 1990, inclusive, in the event that the initiative entitled "Safe Streets Act of 1990" is approved by the voters at the November 6, 1990, general election.

This bill would take effect immediately as a tax levy.

Ch. 453 (AB 1109) Katz. Vehicles: out-of-state: registration: smog impact fee.

Existing law requires that vehicles operated on the highways of the state, and off-highway vehicles operated as provided, be registered with the Department of Motor Vehicles. Under existing law, motor vehicles registered in this state are required to meet prescribed motor vehicle emission standards.

This bill would, in addition to any other fees and taxes required to be paid under the Vehicle Code and the Revenue and Taxation Code, impose a vehicle smog impact fee of $300 on a person making application to register a motor vehicle, as defined, in this state, with specified exceptions, which was previously registered outside this state, thereby imposing a tax for purposes of Article XIII A of the California Constitution. The fee would not apply to motor vehicles certified pursuant to specified provisions of the Health and Safety Code applicable to the certification of new motor vehicles, sold in this state, for compliance with this state's vehicle emission standards. The revenues derived from the imposition of the fee would be deposited in the General Fund.

This bill would make a specified legislative finding and declaration regarding motor vehicles and health and safety standards.

The bill would take effect immediately as a tax levy, but would become operative as specified.

Ch. 454 (AB 2814) Kelley. Capital outlay. encumbrances.

Existing law provides that appropriation for various capital outlay projects are generally available for encumbrance for 3 years.

This bill would reappropriate any capital outlay appropriation enacted on or after July 1, 1987, from a fund created by a general obligation bond act approved by the voters for a project which was, or is subsequently delayed as a result of litigation, for an additional 3 years, as specified.

Ch. 455 (SB 1783) Beverly. Appropriations: reduction.

Existing law provides for the payment of benefits under the Aid to Families with Dependent Children program, the State Supplementary Services Program, and the In-Home Supportive Services program, including increases in the cost of living.

Existing law also provides for the appropriation and allocation of state funds to counties for the provision of health services, and provides for the adjustment of the allocations to reflect increases in the cost of living.

This bill would require the Director of Finance to provide to the Legislature on or before May 21 of each year, estimates of general fund revenues and the general fund workload budget for the ensuing fiscal year.

This bill would provide for the reduction of payments under the programs specified above on July 1 of any fiscal year for which the Director of Finance and the Commission on State Finance have certified the estimation of the General Fund revenues is more than .5% less than the estimate of the General Fund workload budget for the ensuing fiscal year. The reduction would be by the same percentage as the estimate of revenues is less than the estimate of expenditures, to a maximum of 4 percent, as specified.

Existing law provides for the Medi-Cal program pursuant to which medical benefits are provided to public assistance recipients and certain other low-income persons.

This bill would reduce the payment to providers under the Medi-Cal program by the same percentage specified above under the same terms and conditions.

Ch. 456 (AB 3573) Baker. Public assistance.

Existing law requires the annual adjustment of various benefits provided under the

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Aid to Families with Dependent Children program, and the State Supplemental Program for the Aged, Blind, and Disabled, to reflect changes in the cost of living.

This bill would provide that the amount of the benefits provided under those programs shall not be adjusted for the 1990–91 fiscal year to reflect increases in the cost of living, and would specify that calculations for cost-of-living adjustments for the 1991–92 fiscal year or any fiscal year thereafter shall not include cost-of-living adjustments for the 1990–91 fiscal year.

Existing law provides for the Medi-Cal program, pursuant to which medical services are delivered to certain eligible individuals. The State Department of Health Services has authority to contract with providers of services and supplies under the program.

This bill would require the department to establish estimated acquisition costs for incontinence medical supplies based on the median price charged. Estimated acquisition cost would be a component of the reimbursement rate for these supplies. This bill would define median price charged and would describe how it is to be determined. This bill would also require the department to establish upper limits for the estimated acquisition costs for each product, and would specify the requirements for a manufacturer or supplier of incontinence medical supplies to participate in the Medi-Cal program.

This bill would allow the department to make adjustments to the estimated acquisition cost for small volume dealers above the median price charged.

This bill would require the department to adopt emergency regulations to implement its provisions with a specified exception. The regulations would be specifically exempted from review and approval by the Office of Administrative Law for 120 days, and would become effective immediately upon filing with the Secretary of State. These regulations would not remain effective more than 120 days unless the department complies with specified provisions.

This bill would make it a crime to knowingly or willfully submit false pricing information to the department, or to fail to report specified information as required. Violators would be subject to imprisonment not to exceed 5 years, a fine not to exceed $500,000, expulsion from participation in the Medi-Cal program, or any combination thereof. By creating a new crime, this bill would impose a state-mandated local program.

Under the Medi-Cal program, administered by the State Department of Health Services, prescription drugs may be provided without prior approval if they are listed on the Medi-Cal drug formulary.

This bill would, until January 1, 1993, eliminate the provisions regarding the Medi-Cal drug formulary, and would instead authorize the department to contract with manufacturers of drugs on a bid or nonbid basis, for each therapeutic category. It would specify that the contracts for drugs would be exempt from disclosure under the California Public Records Act, and that nonbid contracts would be exempt from certain public contract requirements.

This bill would require the department to maintain a list of drugs for which contracts have been executed, as well as those currently on the Medi-Cal drug formulary. It would further require the department to notify manufacturers of drugs in the selected therapeutic categories that the drug shall be processed for deletion from the Medi-Cal list of contract drugs if negotiations for a contract have not been entered into within 30 days, and would authorize the department to suspend any or all of that manufacturer's single source drugs for a period of 180 days or until the manufacturer enters into negotiations. It would exempt these deletions and changes from review by the Office of Administrative Law, and would exempt them from the provisions of the Administrative Procedure Act.

This bill would establish procedures by which new drugs may be added to the list of contract drugs, and by which a drug manufacturer may appeal an adverse decision. The bill would also establish a procedure for a Medi-Cal beneficiary to protest a decision to delete or suspend a drug from the list of contract drugs.

Existing law provides for the Medical Therapeutics and Drug Advisory Committee, to review and make recommendations to the State Director of Health Services on drugs to be added to or deleted from the Medi-Cal drug formulary, to review and report in writing to the director on the comparative therapeutic effect of drugs, as specified, and

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hold meetings for petitions by drug manufacturers.

This bill would delete the provisions regarding the Medical Therapeutics and Drug Advisory Committee, and instead require the director to appoint a Medi-Cal Contract Drug Advisory Committee, which would generally perform these duties, except for the holding of public meetings for petitions by drug manufacturers.

The bill would require the State Department of Health Services and the Auditor General to submit specific reports to the Legislature on the bill.

The bill would require that the State Department of Health Services conduct a public hearing if it determines that a drug should be deleted from the list of contract drugs, and would specify procedures which must be followed in the conduct of the hearing. The bill would also require the Director of Health Services to consider public testimony given at the hearing and the recommendations of each hearing panel member in determining whether to delete the drug from that list.

This bill would authorize the department to implement its provisions by emergency regulation.

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

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

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

Ch. 457 (SB 2097) Maddy. Public assistance.

Under provisions of law operative from July 1, 1988, until July 1, 1990, benefits under the In-Home Supportive Services Program (IHSS) program were limited to a specified maximum number of hours per month, and under existing law operative on July 1, 1990, the limitation on IHSS benefits is determined on the basis of the cost of the services, as adjusted to reflect adjustments in the cost of living.

This bill would extend until July 1, 1991, the method of determining maximum IHSS benefits on the basis of hours per month.

Existing law requires the annual adjustment of various benefits provided under the IHSS program to reflect changes in the cost of living.

This bill would provide that the amount of the benefits provided under this program shall not be adjusted for the 1990–91 fiscal year to reflect changes in the cost of living, and would specify that calculations for cost-of-living adjustments for the 1991–92 fiscal year or any fiscal year thereafter shall not include cost-of-living adjustments for the 1990–91 fiscal year.

AB 3573 of the 1989–90 Regular Session would, until January 1, 1993, eliminate the provisions regarding the Medi-Cal drug formulary and would, instead, authorize the State Department of Health Services to contract with manufacturers of drugs on a bid or nonbid basis, for each major therapeutic category.

This bill would revise the proposed procedure regarding placement on the Medi-Cal list of contract drugs of a drug which was on the formulary as of July 1, 1990, and would authorize the department to suspend, as well as delete, a drug from the list of contract drugs under specified circumstances. This bill would also make other related changes to the procedures proposed by AB 3573 of the 1989–90 Regular Session.

This bill would provide that on and after January 1, 1993, drugs on the Medi-Cal list of contract drugs shall become the Medi-Cal drug formulary.

Existing law continuously appropriates funds from the General Fund to local governmental entities for health care benefits and requires that the amount of the funds allocated to those local governmental entities be adjusted annually for increases or decreases in the cost of living.

This bill would provide that the amount of the funds allocated to local governmental entities for health care for the 1990–91 fiscal year shall not be adjusted for increases in the cost of living and would require that calculations for cost-of-living adjustments for the 1991–92 fiscal year and fiscal years thereafter not include any increases for the cost of living for the 1990–91 fiscal year.

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

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Ch. 458 (AB 2348) W. Brown. State appropriation reductions.

Existing law provides for the payment of benefits under the Aid to Families with Dependent Children program, the State Supplementary Services Program, and the In-Home Supportive Services program, including increases in the cost of living.

Existing law also provides for the appropriation and allocation of state funds to counties for the provision of health services, and provides for the adjustment of the allocations to reflect increases in the cost of living.

This bill would require the Director of Finance to provide to the Legislature, on or before May 21 of each year, estimates of General Fund revenues and the General Fund workload budget for the ensuing fiscal year.

This bill would provide for the reduction of payments under the programs specified above on July 1 of any fiscal year for which the Director of Finance and the Commission on State Finance have certified the estimation of the General Fund revenues is more than .5% less than the estimate of the General Fund workload budget for the ensuing fiscal year. The reduction would be by the same percentage as the estimate of revenues is less than the estimate of expenditures, to a maximum of 4 percent, as specified.

Existing law provides for the Medi-Cal program pursuant to which medical benefits are provided to public assistance recipients and certain other low-income persons.

This bill would reduce the payment to providers under the Medi-Cal program by the same percentage specified above under the same terms and conditions.

Ch. 459 (SB 1333) Dills. Local agency costs. [7]

(1) The California Constitution provides generally that whenever the Legislature or any state agency mandates a new program or higher level of service on any local government, the state shall provide a subvention of funds to reimburse the local government for the costs of the program or increased level of service.

This bill would provide that no local agency shall be required to implement or give effect in any fiscal year to any statute or executive order which has been determined by the Legislature, the Commission on State Mandates, or any court to mandate a new program or higher level of service requiring reimbursement of local agencies pursuant to the California Constitution, if the statute or executive order has been specifically identified by the Legislature in the Budget Act for the fiscal year as being one for which reimbursement is not provided for that fiscal year. If a local agency elects to implement or give effect to the statute or executive order, it would be authorized to assess fees to persons or entities which benefit from the statute or executive order. The bill would exclude from the operation of its provisions specified state-mandated local programs for the trial courts or for any program for which reimbursement funding counts toward the minimum General Fund requirements of Section 8 of Article XVI of the Constitution.

(2) This bill would appropriate $59,315,217 from the General Fund and Restitution Fund, as scheduled, to the Controller for the payment of claims of local government entities for reimbursement of costs incurred pursuant to specified state-mandated local programs.

(3) The bill would express the intent of the Legislature that funding for reimbursement of state-mandated local costs pursuant to specified programs in the 1989–90 and prior fiscal years shall be provided, as scheduled, in equal installments in the Budget Acts of 1991, 1992, and 1993.

(4) The bill would require the Commission on State Mandates to amend, as specified, the parameters and guidelines for reimbursement of state-mandated local costs incurred pursuant to specified statutes.

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

Ch. 460 (SB 1370) C. Green. Public retirement systems: contributions.

(1) Existing law establishes the State Teachers' Retirement System and a special fund therefor designated as the Teachers' Retirement Fund which is funded by employer and employee contributions at specified contribution rates and continuing state General Fund appropriations which increase annually pursuant to specified formulas and which are transferred monthly to the Teachers' Retirement Fund.

This bill would repeal the continuing appropriations, and, in lieu thereof, would

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continuously appropriate annually commencing on July 1, 1991, from the General Fund for transfer by the Controller to the retirement fund, 4.3% of total salaries of the immediately preceding fiscal year upon which members' contributions are based.

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

Ch. 461 (SB 1744) Hart. State finance.

Existing law authorizes the Director of Finance, with the consent of the Governor, to authorize the creation of deficiencies in the amount of $25,000 or more in any appropriation of money made by law in cases of actual necessity and is required to authorize the payment of deficiencies out of any money which may be appropriated for those purposes. If the deficiency is less than $25,000, the director may authorize it without the consent of the Governor.

This bill would instead authorize the director to permit the creation of a deficiency in an appropriation without the consent of the Governor regardless of the amount of the deficiency.

The bill would also provide that in determining whether the General Fund budget, in any given fiscal year, is in a surplus or deficit condition, the controlling factor shall be the fund balance which is the difference between total resources and total expenditures, as specified.

Ch 462 (SB 1806) Roberti. Public water systems: fees.

Existing law requires the State Department of Health Services to adopt regulations covering water testing, the monitoring of contaminants, the frequency and method of sampling and testing, the reporting of results, and other matters as may be necessary to determine and assure the quality of domestic water supplies.

This bill would require each public water system with at least 200 service connections to pay to the department an annual fee of 50¢ for each service connection it serves, thereby imposing a tax for purposes of Article XIII A of the California Constitution, and would require the department to adopt emergency regulations specifying the method of payment of the fee. The bill would specify that a public water system may collect a fee from its customers to recover that fee.

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

Ch. 463 (SB 1809) Kopp. Public retirement systems.

(1) Under existing law, the state's contributions to the Public Employees' Retirement Fund for its employees are appropriated and transferred monthly.

This bill would provide that those appropriations and transfers be made quarterly

(2) Under existing law, the Board of Administration of the Public Employees' Retirement System is authorized to adopt such mortality service, and other tables and annual actuarial interest rates as it deems necessary.

The bill would authorize the board to adopt an amortization period of 40 years for any unfunded actuarial liability for the benefits applicable to specified members of the system.

(3) Under existing law, funds in the reserve against deficiencies in the Public Employees' Retirement Fund cannot be used to pay any employers' contributions.

The bill would authorize the board to reduce the state's contribution in respect to state members during the 1990–91 fiscal year by an amount equal to the state's pro rata share, based upon the total assets of the system, in that reserve.

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

Ch. 464 (SB 2319) Alquist. Personal income taxes: bank and corporation taxes: renter's credit: withholding.

The existing Personal Income Tax Law provides that qualified renters, as defined, shall be allowed a refundable tax credit against the taxes imposed by that law. The amount of the credit is $137 for married couples filing joint returns, heads of household and surviving spouses, and $60 for other individuals.

This bill would reduce the credit to $120 for married couples filing joint returns, heads of household, and surviving spouses.

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The existing Personal Income Tax Law and Bank and Corporation Tax Law require specified withholding of tax.

This bill would modify the requirements relative to specified withholding of tax with respect to dispositions of a California real property interest, as defined.

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

Ch. 465 (SB 2454) Royce. Heirloom marriage certificates and welfare fraud detection.

Under existing law, the State Director of Health Services also serves as the State Registrar of Vital Statistics. The State Registrar and local registrars have the responsibility of registering and maintaining various records.

Under existing law, the State Registrar, local registrar, or county recorder, upon request and payment of a fee, is required to provide a certified copy of the records of any birth, fetal death, death, marriage, or marriage dissolution registered with that official.

Under existing law, the State Registrar, upon request and payment of a specified fee by an applicant, is required to provide a decorative heirloom birth certificate designed by the State Department of Health Services. A portion of the fee is allocated to the State Children's Trust Fund and the remainder is used to reimburse the department and the State Registrar for the administrative costs of developing, preparing, and providing the certificate.

This bill would require the State Registrar, upon request and payment of a $15 fee by an applicant, to provide a decorative heirloom marriage certificate designed by the department. The fee would be utilized to reimburse the department for the administrative costs of developing, preparing, and providing the decorative heirloom certificate and for a public awareness and advertising program, as described. The fee would be adjusted annually, as specified. The fee would be deposited into the General Fund.

Existing law provides for the Aid to Families with Dependent Children (AFDC) program, pursuant to which qualified families are provided with cash assistance. The AFDC program is administered and partially funded by the counties.

Existing law also requires each county to administer the distribution of federal food stamps, pursuant to regulations adopted by the State Department of Social Services.

This bill would impose a state-mandated local program by requiring counties, in the administration of the AFDC and food stamp programs, to conduct an early fraud prevention and detection program. Full state funding of nonfederal administrative costs would be provided to participating counties. However, counties for which the State Department of Social Services determines the program would not be cost-effective would not be required to conduct the program and would not be eligible for supporting state funds.

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

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

The bill would appropriate $2,300,000 to the State Department of Social Services to carry out its provisions.

Ch. 466 (SB 2557) Maddy. Local government: financing

(1) Existing law provides for authorizations, procedures, and guidelines for the conduct of county financial affairs, including the imposition by counties of specified fees. Existing law does not currently authorize counties to impose fees upon other local agencies or colleges or universities for county costs incurred in processing or booking persons arrested by employees of other local agencies or colleges or universities and brought to county facilities for booking or detention.

This bill would impose a state-mandated local program by authorizing a county to

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impose a fee upon other local agencies or colleges or universities for county costs incurred in processing or booking persons arrested by employees of other local agencies or colleges or universities and brought to county facilities for booking or detention.

(2) Under the Brown-Presley Trial Court Funding Act, block grants of $53,000 per judicial officer per fiscal quarter are available to option counties for trial court funding. These sums are adjusted each fiscal year by a percentage equal to the average percentage salary increase for the previous fiscal year for state employees.

This bill would reduce the base trial court funding block grant to $44,944 per judicial officer per fiscal quarter for the 1990–91 fiscal year, would revise that amount for the 1991–92 fiscal year and fiscal years thereafter, and would eliminate any adjustment for the 1990–91 fiscal year. The bill would authorize a county to reduce total expenditures by a specified amount for court operations in any year that the block grants are reduced.

(3) Existing law provides for the allocation in each fiscal year of property tax revenues to local jurisdictions, and generally provides that each jurisdiction shall be allocated an amount equal to the amount of property tax revenue allocated to that jurisdiction in the prior fiscal year, as modified.

This bill would provide, for purposes of property tax revenue allocations for the 1990–91 fiscal year, that the amount of property tax revenue deemed received by a county in the prior fiscal year shall be increased by property tax administrative costs attributable to incorporated cities within that county, as determined by the county auditor according to specified procedures. It would also authorize, as specified, the county auditor to determine property tax administrative costs proportionately attributable to local jurisdictions other than the county or city and county, and cities, and submit invoices to the relevant jurisdictions for those costs. By imposing additional duties upon county auditors in connection with the allocation of property tax revenues, this bill would impose a state-mandated local program.

(4) Under existing property tax law, the auditor in each county with qualifying cities, as defined, is required to make property tax revenue allocations to those cities in accordance with a specified tax equity allocation formula and to make corresponding reductions in the county's property tax revenue allocation. Qualifying cities include generally those cities which existed but did not levy a property tax in the 1977–78 fiscal year and those cities which incorporated prior to June 5, 1987, and had a property tax allocation for the 1987–88 fiscal year which is less than an amount which would have been received by applying a specified tax rate to its 1987–88 assessed value.

This bill would provide, notwithstanding existing property tax revenue allocation provisions, that no qualifying city shall receive in the 1990–91 fiscal year a property tax revenue allocation which is greater than 90% of the allocation received by that city in the 1989–90 fiscal year.

(5) Existing law currently provides that counties may impose sales and use, transactions and use, and certain other taxes, according to specified procedures and conditions.

This bill would authorize the board of supervisors of any county to impose, subject to applicable voter approval requirements, taxes on business, and utility user taxes on specified services.

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

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 467 (SB 899) Alquist. 1990–91 Budget. [8]

This bill would make appropriations for support of state government for the 1990–91 fiscal year.

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

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Ch. 468 (AB 528) Isenberg. Pilots for San Francisco, San Pablo, and Suisun Bays. charges.

(1) Existing law requires licensed pilots and inland pilots to pay monthly to the Board of Pilot Commissioners for San Francisco, San Pablo, and Suisun Bays, a designated percentage of pilotage fees. Existing law also requires the board to adopt training standards and a training program for applicants for a pilot's license and establishes a surcharge for that purpose.

This bill would replace that monthly payment requirement with designated additional surcharges, which would be used for training of pilots and inland pilots, and for expenses of the board, as specified. The bill would specify the minimum and maximum duration of certain training programs, make related changes, and delete obsolete provisions. The bill would make an appropriation since the surcharges would be deposited in the Board of Pilot Commissioners Special Fund, which is continuously appropriated.

(2) Existing law prescribes the pilotage rates for the Bays of San Francisco, San Pablo, and Suisun, specifying, among other charges, a charge of 51.29 mills per high gross registered ton.

This bill would instead prescribe a charge of 50.19 mills per high gross registered ton.

(3) Under existing law, each retired or disabled pilot is entitled to receive, as a monthly pension, that amount which is $100 multiplied by the number of full years of service performed as a licensed pilot.

This bill would raise that amount to $110

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

Ch. 469 (AB 469) Harvey. Geologists and geophysicists.

Existing law specifies the maximum fees that may be fixed by the State Board of Registration for Geologists and Geophysicists.

This bill would increase the maximum fee for (1) the filing of an application for registration as a geologist or geophysicist from $60 to $100, (2) the renewal fee for a geologist or geophysicist from $100 to $200, and (3) the renewal fee for a specialty geologist or specialty geophysicist from $20 to $50. The board would be prohibited from increasing those fees beyond the amount fixed by the board as of January 1, 1993.

The bill would require the board to report to the Legislature on or before June 30, 1992, on fee increases and related matters, as specified. The bill would also require the board to submit a copy of that report to the Joint Legislative Budget Committee along with other specified information.

Existing provisions of the Business and Professions Code continuously appropriate the moneys in the Geology and Geophysics Fund. Because this bill would increase the amount of moneys in the fund, it would constitute an appropriation.

Ch 470 (AB 3172) Baker. Juvenile facilities: appropriation.

Existing law establishes the County Correctional Facility Capital Expenditure and Youth Facility Bond Fund, as specified.

This bill would appropriate $24,375,000 from that fund to the Department of the Youth Authority for expenditure without regard to fiscal year to make awards to public or private nonprofit agencies, or joint ventures, for the purpose of acquiring, renovating, constructing, and purchasing equipment for youth centers or youth shelters, as specified

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

Ch. 471 (SB 1824) Maddy. Horseracing: Fair and Exposition Fund.

(1) Existing law requires that, from horseracing revenues received by the California Horse Racing Board, pursuant to designated provisions, $265,000 plus an amount equal to $^{63}/_{100}$ of 1% of the gross amount of money handled in the annual parimutuel pool be paid into the Fair and Exposition Fund.

This bill would require that the percentage to be deposited in the fund be based on the gross amount of money handled in the annual parimutuel pool generated within this state, or the maximum amount received by the state from the parimutuel pool of a racing meeting held in this state, whichever is less.

Under existing law, if those revenues exceed $13,000,000, ½ of the excess is required

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to be transferred to the General Fund.

This bill would make that provision operative as of July 1, 1989.

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

Ch. 472 (SB 1826) Beverly. Vehicles: violations: failure to appear or pay fine.

(1) Existing law authorizes the magistrate or clerk of a court to notify the Department of Motor Vehicles whenever any person, for a period of 15 or more days, violates a written promise to appear or order to appear or fails to pay a fine for violations of specified provisions of the Vehicle Code. In instances of failure to appear with respect to 4 specified classes of offenses, existing law authorizes a court to elect to first mail a courtesy warning notice to the defendant and in those cases prohibits the issuance of an arrest warrant, except as specified.

This bill would authorize a court to mail a courtesy warning notice, and would prohibit the issuance of an arrest warrant, in cases of failure to pay a fine with respect to those 4 classes of offenses, as specified.

The bill would also delete an exception from these provisions for certain violations relative to drinking or possession of alcoholic beverages or marijuana in a motor vehicle.

(2) Existing law requires the department to suspend the driver's license of a person upon receipt of the above-described notice from the court that the person has violated a written promise to appear, if there are prior violations, as specified, except that for 3 of those 4 classes of offenses noted above, the suspension is required on the 1st offense.

This bill would require the department to suspend the license of a person upon receipt of the notice from the court that the person has failed to pay a fine, as specified. The bill would also require the suspension on the 1st offense for the 4th of those designated classes of offenses.

Ch. 473 (SB 1910) Killea. Attorneys.

Existing law prescribes the membership of the Board of Governors of the State Bar of California. Provisions that were repealed on January 1, 1990, provided that any attorney who is a full-time employee of any public agency and who serves as a member of the board of governors shall not suffer the loss of job-related benefits, but existing law contains no such provision.

This bill would reenact similar provisions, but would not limit them to attorney members of the board of governors. It would thereby impose a state-mandated local program by imposing new duties on local public agencies.

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

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

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

Ch. 474 (SB 2035) Hart. Earthquake preparedness: Santa Barbara County.

Existing law provides, until 1995, for the Southern California Earthquake Preparedness Project in the Counties of San Diego and Imperial. The project is established in order to further comprehensive earthquake preparedness planning and to help achieve a significant reduction of earthquake hazards by January 1, 2000.

This bill would, in addition, include the County of Santa Barbara within the Southern California Earthquake Preparedness Project. The same change would be made with respect to the local advisory board.

Ch. 475 (SB 2124) Dills. Horseracing: participation: licenses.

Existing law provides for the regulation of horseracing in the state, and requires, with prescribed exceptions, that any person who participates in, or has anything to do with,

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the racing of horses be licensed by the California Horse Racing Board.

This bill would require those licenses to include a current photograph of the licensed person.

Ch. 476 (SB 2304) Ayala. Milk Producers Security Trust Fund.

Existing law requires the Director of Food and Agriculture to collect specified security charges from milk handlers for deposit in the Milk Producers Security Trust Fund. Existing law permits milk producers to submit claims to the director for payment from the fund for nonpayment of shipments of milk to milk handlers which occur during the 1st 30 days from the date the earliest shipment for which a producer has not been paid.

This bill would extend this period to 35 days.

Ch. 477 (SB 2457) Boatwright. Peace officers: training.

Existing law requires the Commission on Peace Officer Standards and Training to establish and enforce minimum standards relating to peace officer members of specified entities and to public safety dispatchers of specified entities.

This bill would extend those provisions to joint powers agencies

Ch. 478 (SB 2466) C. Green. State government: state employees.

The Information Practices Act of 1977 requires each state agency which maintains a system of records containing personal information to file with the Office of Information Practices notices containing specified data, including the cost of complying with that act and the California Public Records Act.

This bill would revise the prescribed contents of those notices. This bill would, among other things, delete the requirement of reporting the costs of complying with those acts, reduce the period for accepting late reports, and make related changes.

Existing law requires annual surveys and reports by state agencies on the provision by bilingual employees of services in foreign languages.

This bill would require the surveys and reports to be made on a 2-year basis.

A provision of law establishes the State Personnel Board Cooperative Personnel Services Revolving Fund which is continuously appropriated for use by the board for specified related purposes.

This bill would repeal that provision.

Existing law provides, with respect to state employees, for the powers and duties of the State Personnel Board, examination eligibility, adverse and punitive actions, reallocation of positions, reinstatement, hiring of persons with disabilities, board hearings and rehearings, and prohibition of age limits for employment.

This bill would accord permissive reinstatement eligibility to persons separated from state service, in specified circumstances.

This bill would revise the duties of the State Personnel Board with respect to the determination of the qualification of disabled persons for state employment, provide for examination appointments by appointing powers, and make related changes.

This bill would specify that the State Personnel Board, when conducting a hearing itself, may allow the parties to provide written or oral argument and to take the case upon the record, with or without taking additional evidence.

This bill would make technical, updating, and corrective changes and would delete obsolete provisions.

Existing law provides that the salaries of the personnel of the vocational rehabilitation unit of the Office of Benefit Qualification in the Department of Industrial Relations shall be fixed by the State Personnel Board.

This bill would provide that those salaries shall be fixed, instead, by the Department of Personnel Administration.

Ch 479 (SB 2633) Robbins. Local agencies: substituted service.

Existing law permits service of process on political subdivisions and public corporations of the state, excluding state agencies, cities, and counties, by substituted service on the Secretary of State under certain circumstances. Existing law requires the plaintiff to pay the Secretary of State a fee of $5 to effect this service.

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This bill would raise the fee to $50.

Ch. 480 (SB 2680) Boatwright. Peace Officers: racial and cultural diversity training.

Existing law establishes the Commission on Peace Officer Standards and Training, which develops and implements programs to increase the effectiveness of law enforcement through training, education, and investigation.

This bill would require the Peace Officer Standards and Training Commission, by January 1, 1991, to develop and disseminate guidelines and training for peace officers in California on the racial and cultural differences of people in the state, so that peace officers can be better prepared to deal with the racial and cultural diversity of the state citizenry.

Ch. 481 (SB 2809) Robbins. Vehicles: identification removal or destruction.

Existing law makes it unlawful for any person to knowingly buy, sell, receive, or have in his or her possession a vehicle or component part from which the manufacturer's number has been removed, defaced, altered, or destroyed. When a vehicle or component part on which the identifying number has been defaced, altered, or obliterated comes into the custody of a peace officer, it is required to be destroyed, sold, or otherwise disposed of in accordance with an order of a court having jurisdiction. Existing law prohibits the issuance of a court order providing for disposition, unless the person from whom the property was seized and all other claimants have been provided a postseizure hearing within 60 days of the seizure.

This bill would require a postseizure hearing within 90 days, rather than 60 days, of the seizure.

Ch. 482 (SB 1849) Petris Juvenile court proceedings: appeals traffic hearings.

Under existing law, a denial by a juvenile court judge of a motion made to set aside or modify any order of a traffic hearing officer may be appealed in the same manner as any final judgment.

This bill would delete the authority to appeal a denial by a judge of a motion made to set aside or modify any order of a traffic hearing officer in the same manner as a final judgment.

Ch. 483 (SB 2066) Davis. Attorneys.

Under existing law, a court is authorized to notify the State Bar if it appears to the court that a contempt holding imposed against an attorney involves grounds warranting discipline. Existing law also requires a court to notify the State Bar whenever a reversal of a judgment in a judicial proceeding is based in whole or in part upon gross misconduct, incompetent representation, or willful misrepresentation by counsel. Other separate provisions of existing law require the court to notify the State Bar of the reversal of judgment in a proceeding based in whole or in part upon the misconduct, grossly incompetent representation, or willful misrepresentation by an attorney, or the imposition of any judicial sanctions against the attorney, except in certain instances

This bill would repeal those existing provisions and would enact similar provisions that would require a court to notify the State Bar of a final order of contempt imposed against an attorney that may involve grounds warranting discipline, whenever a modification or reversal of a judgment results from misconduct, incompetent representation, or willful misrepresentation of an attorney, or the imposition of any judicial sanctions against an attorney, except for certain sanctions. Since the bill would require reports concerning contempt, while those reports are authorized but not currently required by existing law, the bill would impose a state-mandated local program by imposing new duties on the courts.

The bill would also require the State Bar to investigate any matter reported as to the appropriateness of initiating disciplinary action against the attorney.

Under existing law, all bills for services rendered by an attorney to a client shall clearly state the basis thereof, including the amount, rate, basis for calculation, or other method of determination of the fees.

This bill would require all bills of the attorney to the client to clearly state the basis,

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would require the fee portion to include the amount, rate, basis for calculation, or other method of determination, and bills for the cost and expense portion to clearly identify the costs and expenses incurred, and the amount.

Under existing law, upon the request of the client, an attorney is required to provide the bill to the client no later than 10 days following the request.

This bill would specify that the 10-day requirement is applicable unless a bill was provided within 31 days prior to the request, in which case the bill would be required to be provided within 31 days following the date the most recent bill was provided.

The bill would also provide that, in providing responses to client requests for billing information, the attorney may use billing data that is currently effective on the date of the request, or, if any fees or costs to that date cannot be accurately determined, they shall be described and estimated.

Under existing law, the board of governors of the State Bar is required to establish, maintain, and administer a system and procedure for the arbitration of disputes concerning fees, costs, or both, charged for professional services by members of the State Bar or by members of the bar of other jurisdictions. However, existing law provides that those provisions do not apply to disputes where the attorney is also admitted to practice in another state, and he or she maintains no office in the State of California, and no material portion of the services was rendered in the State of California.

This bill would instead provide that those provisions do not apply to disputes where a member of the State Bar of California is also admitted to practice in another jurisdiction or where an attorney is only admitted to practice in another jurisdiction, and he or she maintains no office in the State of California, and no material portion of the services was rendered in the State of California.

Under existing law, if the attorney files an action against the client in small claims court for recovery of fees, costs, or both, covered by the fee dispute arbitration provisions, the small claims action, including any appeal, shall not be stayed, and the matter shall not be subject to arbitration while the matter is pending in small claims court or after judgment is given in that court.

This bill would instead provide that, if the attorney files an action against the client in small claims court for recovery of fees, costs, or both, covered by fee dispute arbitration provisions, and the client has not filed a request for arbitration, the small claims action, including any appeal, shall not be stayed. The bill would also provide that a small claims court action shall not be filed by the attorney after the client has filed a request for arbitration while the arbitration is pending or after the award is issued, and that any such action shall be dismissed without prejudice, and the pendency of the action shall not preclude the arbitration from going forward.

Existing law provides that upon filing and service of the request for arbitration, the action shall be stayed, without the necessity of court order, until the award of the arbitrators is issued or the arbitration is otherwise terminated.

This bill would provide that in this case the time of the continuance of the stay shall not be part of the time limited for the commencement of the action.

This bill would also provide that an arbitration award shall not include any award to either party for attorney's fees incurred, notwithstanding any contract between the parties providing for those fees.

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

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 484 (SB 2216) Rogers. Vehicles: "Pearl Harbor Survivor" license plates.

Under existing law, a survivor of the attack on Pearl Harbor on December 7, 1941, may apply for and be issued special "Pearl Harbor Survivor" license plates for use on a

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passenger vehicle, not including any commercial vehicle.

This bill would permit those license plates on any vehicle, except a vehicle used for transportation for hire, compensation, or profit, or a motorcycle.

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

Ch. 485 (SB 2290) Seymour. Contractors: disciplinary procedures.

(1) The Contractors' State License Law provides that failure to comply with its provisions constitutes a cause for disciplinary action.

This bill would include failure to comply with specified public works contract noncollusion affidavit requirements also a cause for disciplinary action.

(2) The Public Contract Code contains a statement of legislative intent respecting its codification.

This bill would provide further legislative declarations respecting the objectives of the code and make related changes.

Ch. 486 (SB 2576) Kopp. Restraint of trade: conspiracy against: punishment.

Under existing law, the Attorney General may bring a cause of action on behalf of the state or any of its public subdivisions or public agencies for restraint of trade. Existing law provides that any person who engages or takes part in any conspiracy against trade, or aids or advises in its commission, or who as principal, manager, director, agent, servant, or employee, or in any other capacity, knowingly carries out any of the stipulations, purposes, prices, rates, or furnishes any information to assist in carrying out conspiracy against trade is punishable by a fine of not more than $1,000,000, if a corporation, or $100,000 if an individual, or by imprisonment in a state prison for not more than 3 years or by imprisonment for not more than one year in a county jail, or by both a fine and imprisonment

This bill would increase the amount for which an individual may be fined to $250,000. This bill would permit a fine to be the greater of (1) $250,000 for an individual and $1,000,000 for a corporation, or (2) if any person derives pecuniary gain from the restraint of trade or a violation results in pecuniary loss to a person other than the violator, an amount equal to the amount of the gross gain multiplied by 2 or an amount equal to the amount of the gross loss multiplied by 2. The bill would also change the term of imprisonment in state prison to 1, 2, or 3 years.

Ch. 487 (SB 2593) Kopp. Transportation. planning and programming.

Existing law requires the Department of Transportation to develop guidelines, as specified, for development of the state transportation improvement program and for incorporating projects from local congestion management programs into the regional transportation improvement program. The guidelines are required to be submitted to, and approved by, the California Transportation Commission.

This bill would provide that the guidelines shall be the complete and full statement of the policy, standards, and criteria that the commission intends to use in selecting projects for inclusion in the state transportation improvement program. The bill would specifically authorize the commission to amend the guidelines after at least one public hearing, but prohibit it from amending, revising, modifying, or altering the guidelines during the period commencing 30 days after the commission's adoption of funding estimates for the state transportation improvement program and its adoption of the program.

Ch. 488 (SB 2778) Russell. Disaster plans. local government.

Existing law permits counties, cities and counties, and cities to create disaster councils which shall develop plans meeting any condition constituting a local emergency, state of emergency, or state of war emergency.

This bill would specify that these emergencies include earthquakes and natural or manmade disasters.

This bill would require the disaster council to supply a copy of any plans developed to the Office of Emergency Services, thereby imposing a state-mandated local program with respect to any disaster council in existence on the operative date of the bill.

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

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

Ch. 489 (SB 2309) L. Greene. Property taxation: exemption: golf courses.

Existing law provides that property owned by a nonprofit corporation and leased to, and used exclusively by, government for its interest and benefit shall be exempt from taxation within the meaning of "charitable purposes" as used in specified constitutional provisions, provided that certain conditions are met. For purposes of the exemption, "property" is defined to include any building or structure of a kind or nature which is uniquely of a government character, as defined, including, among other things, parks or playgrounds.

This bill would create a new property tax exemption by providing that the definition of "property" for purposes of the above exemption includes golf courses, in addition to parks and playgrounds. It would also make corresponding modifications to the definition of "uniquely of a government character."

Section 2229 of the Revenue and Taxation Code provides that no new classification or exemption of property for purposes of ad valorem property taxation shall extend for more than 5 years or shall exempt more than 75% of the value thereof. The section requires the Legislature to reimburse local agencies annually for certain property tax revenues lost as a result of the exemption.

This bill would provide that the requirements of Section 2229 of the Revenue and Taxation Code do not apply to the property tax exemption provided by this bill, and that no appropriation is made and the state shall not reimburse local agencies for property tax revenues lost by them pursuant to the bill.

Ch. 490 (SB 2113) Doolittle. Local government: Sacramento City-County consolidation.

Existing law establishes a procedure for the consolidation of the City of Sacramento, the County of Sacramento and other cities within the county. Existing law requires in that procedure that the ballots used at a consolidation election within each of these other cities shall include a separate question concerning the retention of the local governmental structure of those other cities in the county.

This bill would instead require in this procedure, that only the ballots used at the election within each of the other cities proposed to be reorganized and consolidated with the County of Sacramento include that separate question.

Existing law requires, when a proposed reorganization of local government includes the detachment of territory from any city, the conducting authority to terminate the proceeding if a resolution or written protest against the reorganization is filed prior to the conclusion of the hearing, as specified.

This bill would provide that, notwithstanding that requirement, if a proposed reorganization includes a detachment of territory from the City-County of Sacramento where the governments of the city and county are consolidated pursuant to the above procedure, the proceedings for detachment shall not terminate if the City-County of Sacramento files a written protest to a detachment from the City-County of Sacramento and simultaneous annexation to any of the Cities of Folsom, Isleton, and Galt, and if the proposed detachment and simultaneous annexation includes territory within the sphere of influence of any of those cities, as specified. The bill would also provide that these provisions relating to detachment of territory would apply to applications filed both before and after the bill's effective date and would express the intent of the Legislature that the Local Agency Formation Commission shall not take final action before the City-County of Sacramento has expressed its approval under these provisions.

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This bill would state the findings and declarations of the Legislature concerning the need for special legislation.

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

Ch. 491 (AB 527) Hannigan. Appraisals.

Existing law, the Lancaster-Montoya Appraisal Act, establishes standards for certified appraisals, as defined, and certified appraisal reports, and imposes specified duties on appraisers in connection therewith.

This bill would, among other things, do all of the following:

(1) Enact the Real Estate Appraisers' Licensing and Certification Law.

(2) Create the Office of Real Estate Appraisers within the Business, Transportation and Housing Agency to be administered by a director appointed by the Governor.

(3) Authorize the Secretary of the Business, Transportation and Housing Agency to appoint a Real Estate Appraisers' Advisory Committee to assist the director in the administration of the act, as specified.

(4) Specify standards and procedures for licensure as a real estate appraiser and certification as a state certified real estate appraiser, as specified.

(5) Specify certain provisions regarding licensing fees and continuing education requirements.

(6) Appropriate from the Education and Research Account in the Real Estate Fund to the Office of Real Estate Appraisers, the amount of $730,000, for purposes of the act, to be repaid as specified.

(7) Repeal the Lancaster-Montoya Appraisal Act operative July 1, 1991.

(8) Require the office on or before January 1, 1993, to conduct various studies. Create the Real Estate Appraisers Regulation Fund as a continuously appropriated fund with separate accounts, as specified. The office would be required on or before July 1, 1991, and at least annually thereafter to transmit to the Appraisal Subcommittee of the Federal Financial Institutions Examination Council, a roster of appraisers performing an appraisal in a federally related transaction, as specified.

The bill would also state that no person shall engage in real estate appraisal activity, as defined, or assume or use the title of a licensed or certified real estate appraiser without first becoming a licensed real estate appraiser or a state certified real estate appraiser.

The bill would state legislative intent, as specified.

Ch. 492 (AB 752) La Follette. Safe drinking water grants.

Existing law (the California Safe Drinking Water Bond Law of 1988) permits bond proceeds in the California Safe Drinking Water Bond Fund to be used for a grant program, with grants provided, subject to specific approval of the Legislature, to water suppliers that are political subdivisions of the state, that are otherwise unable to meet minimum safe drinking water standards established pursuant to applicable provisions of law.

This bill would authorize grants from the California Safe Drinking Water Bond Fund to specified entities for the purpose of improving their domestic water systems to meet, at a minimum, safe drinking water standards. The bill would make legislative findings in that connection. The bill would require the Department of Water Resources to determine eligibility for, and the amount of, the grants in accordance with the bond law.

The bill would also authorize a grant under the California Safe Drinking Water Bond Law of 1986 to a specified public entity for specified purposes.

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

Ch. 493 (AB 1211) Hauser. Mobilehomes.

Under existing law, the Department of Housing and Community Development is required, upon request, to furnish specified information regarding the current registration and title status of a manufactured home, mobilehome, commercial coach, truck camper, or floating home, and may charge fees for providing that information.

This bill would permit the department, for statistical or commercial purposes and upon payment of fees prescribed by the department, to provide bulk information re-

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garding the registration and title status of manufactured homes, mobilehomes, commercial coaches, truck campers, and floating homes, as specified. Since fees permitted to be charged by the Department of Housing and Community Development for the registration and titling of those mobilehomes are required to be deposited in the continuously appropriated Mobilehome-Manufactured Home Revolving Fund, the bill would make an appropriation.

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

Ch. 494 (AB 1811) Sher. Wildland fire suppression.

Under existing law, the Department of Forestry and Fire Protection is required to provide fire protection within state responsibility areas designated by the State Board of Forestry.

This bill would appropriate $5,977,000 from the Special Fund for Economic Uncertainties to the department for early activation of specified fire protection facilities and related fire suppression activities.

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

Ch. 495 (AB 2575) Farr. California Cut Flower Commission.

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

This bill would create the California Cut Flower Commission with a prescribed membership and would specify the powers, duties, and responsibilities of the commission in carrying out the bill. The commission would be authorized to carry on programs of production, promotion, marketing, and research relating to flowers, as defined. The bill would authorize the commission to levy an assessment, not to exceed specified amounts, according to the marketing year, on producers, as defined, and authorize the expenditure of those funds for purposes of carrying out the provisions of the bill, thereby making an appropriation.

The bill, except as necessary to conduct an election, would not become operative until the producers of flowers, by referendum, vote in favor of the bill, as prescribed. The bill would also provide for the suspension of the operation of its provisions and for concluding the operations of the commission. The bill would define various terms.

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

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

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

Ch. 496 (AB 2721) Kelley. Surplus Money Investment Fund: expenses.

Existing law requires the Treasurer, on order of the Controller, to transfer surplus money from special funds to the Surplus Money Investment Fund.

This bill would instead specify that the Controller rather than the Treasurer transfer surplus money from special funds to the Surplus Money Investment Fund.

Existing law does not authorize the Controller to deduct his or her expenses in administering the Surplus Money Investment Fund from interest earned or increment derived by moneys invested in investments authorized for that fund. The Treasurer is reimbursed for his or her related expenses from these earnings.

This bill would authorize the Controller to deduct an amount equal to the reasonable costs incurred by the Treasurer and the Controller in administering the Surplus Money Investment Fund from interest earned or increment derived from these funds, thus constituting an appropriation.

Ch. 497 (AB 2806) Hauser. Dental auxiliaries.

Existing law specifies fees and charges for dental auxiliaries.

This bill would authorize the increase of those fees to not exceed specified amounts, by resolution of the Board of Dental Examiners and would establish new fees, as speci-

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fied. The bill would also provide that those fees fixed by the board shall not be subject to the approval of the Office of Administrative Law.

Existing provisions of the Business and Professions Code continuously appropriate the moneys in the State Dental Auxiliary Fund. Because this bill would increase the amount of moneys in the fund, it would constitute an appropriation.

Ch. 498 (AB 2830) Statham. Curriculum Resource Center.

Existing law does not provide for an appropriation of state funds for the Curriculum Resource Center in Oroville.

This bill would appropriate $140,000 to the State Department of Education without regard to fiscal year for allocation to the Butte County Office of Education for purposes of operating the Curriculum Resource Center in Oroville to provide assistance to public schools throughout California. To the extent that these funds are allocated to the Butte County Office of Education for purposes of the bill, these funds may be applied toward the minimum funding requirements imposed by Section 8 of Article XVI of the California Constitution.

The bill would make legislative findings and declarations concerning the center.

Ch. 499 (AB 2870) Harvey. Milk production: trust fund.

Existing law provides for the Milk Producers Security Trust Fund which is administered by the Director of Food and Agriculture and the Milk Producers Security Trust Board. Existing law requires the director to collect specified security charges from milk handlers for deposit in the trust fund. Existing law permits milk producers to submit claims to the director for nonpayment for milk delivered to milk handlers in accordance with a specified procedure.

This bill would require the director to transfer the fund surplus, as defined, to an account administered by the Milk Stabilization Branch of the Department of Food and Agriculture to be used to reduce producer and handler assessments for the administration of prescribed milk stabilization and marketing provisions, and in so doing, would make an appropriation.

Existing law requires handlers to pay a specified fee and to deduct certain assessments from payments made to producers for market milk and to pay the fees and assessments to the director Existing law permits the director to adjust the rate of that fee or assessment whenever the director determines that the cost of administering the law relating to the marketing of milk can be defrayed from revenues derived from lower rates but requires that the fee and the assessment be established at a specified ratio.

This bill would provide that the specified ratio need not be achieved during any 6-month period following the transfer of the fund surplus described above.

Ch. 500 (AB 3390) Areias. Agriculture: marketing: penalties.

Existing provisions of the California Marketing Act of 1937 provide for a civil liability of not to exceed $500 for its violation or any marketing order, regulation, or rule and regulation issued pursuant thereto, and the Agricultural Producers Marketing Law provides for a civil liability of not to exceed $500 for violating a marketing provision and any regulation adopted pursuant to that law.

This bill would increase the maximum limits of these civil liabilities to $2,500 as to the California Marketing Act of 1937 and to $2,500 as to the Agricultural Producers Marketing Law, and would specify that each violation during any day is a separate offense.

Since the money collected under these provisions is deposited in designated depositories to be continuously appropriated for purposes of these laws, the bill would make an appropriation.

Ch. 501 (AB 3455) N. Waters. Commercial feed: Feed Inspection Advisory Board.

Existing law provides for the regulation of the manufacture and distribution of commercial feed, as defined, including its labeling, licensing, and inspection. Under existing law, the Director of Food and Agriculture is charged with the enforcement of these provisions and is required to adopt and enforce regulations necessary to carry out these provisions. Under existing law, the Feed Inspection Advisory Board makes recommen-

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dations to the director on all matters pertaining to the provisions relating to commercial feed including, but not limited to, the inspection and enforcement program, the annual budget, necessary fees to provide adequate inspection services, and regulations required to accomplish the purposes of these provisions.

This bill would authorize the board to designate itself, or another entity, as the entity to administer these provisions. The bill would require the director to adopt regulations and establish procedures to be used by the board or other entity in administering these provisions.

The bill would make an appropriation by providing reimbursement of expenses to the board or other entity from the Department of Food and Agriculture Fund, which is a continuously appropriated fund.

Ch. 502 (SB 1087) Mello. Medi-Cal: long-term care services and reimbursement rates

Existing law known as the Health Data and Advisory Council Consolidation Act, which would be repealed on January 1, 1997, creates the California Health Policy and Data Advisory Commission to advise the Office of Statewide Health Planning and Development on various aspects of the collection and reporting of health facility data and to perform related activities. Every organization which operates, conducts, or maintains a health facility and the officers thereof are required to make and file with the office reports containing specified information.

This bill would revise the schedule for reports which must be filed by hospitals and other organizations when the licensee relinquishes the facility license or puts the facility license into suspense.

Under existing law, the State Department of Health Services is required to adopt regulations setting forth the number of equivalent nursing hours per patient required in skilled nursing and intermediate care facilities, and defines nursing hours.

Existing law also requires the State Department of Health Services to adopt regulations increasing the minimum number of nursing hours per patient in certain nursing facilities for purposes of the Medi-Cal program.

This bill would revise the definition of nursing hours, would require the State Department of Health Services to adopt regulations which establish the minimum number of equivalent nursing hours in those facilities, and would revise the specific minimum number of equivalent nursing hours those facilities participating in the Medi-Cal program must provide.

Existing law requires the Director of Health Services to reimburse providers of services under the Medi-Cal program according to established rates.

This bill would establish a methodology for reimbursement of long-term care facilities, as defined, under the Medi-Cal program, according to specified criteria, to accomplish stated goals. The bill would require the reimbursement methodology to be implemented for the 1991–92 Medi-Cal rate year, effective August 1, 1991, and over a period of 2 years from that date.

This bill would require the Legislative Analyst to report to the Legislature regarding implementation of the methodology. It would require the Auditor General to report annually to the Legislature on various aspects of the methodology, between December 1, 1992, and December 1, 1995, and would require the State Department of Health Services to submit this report commencing December 1, 1996.

This bill would make various findings and declarations in regard to its provisions.

The bill would appropriate $370,000 from the General Fund to the State Department of Health Services to implement this bill.

The bill would prohibit the State Department of Health Services from implementing this bill if the federal government does not approve its implementation through a waiver or state plan approval in the 1990–91 or 1991–92 fiscal year, or any court determines in the 1990–91 or 1991–92 fiscal year that its provisions, in addition to current state statutes and regulations regarding standards for long-term care, do not comply with the federal Omnibus Budget Reconciliation Act of 1987 and orders the state to take action which would increase the expenditure of state money from the General Fund.

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

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Ch. 503 (SB 2101) Deddeh. Collection agencies.

Existing law provides that the superior court of any county in which a person is operating or attempting to operate a business as a collection agency without a license, may, on application of the Director of Consumer Affairs or specified persons, issue an injunction or other appropriate order restraining that conduct and may impose civil fines not to exceed $10,000.

This bill would provide that an action, in addition may be brought by the Attorney General, a district attorney, a city attorney, or city prosecutor, as specified, and would provide for distribution of the fines depending on who brings the action.

Ch. 504 (SB 2049) Vuich. Fertilizing materials.

(1) Existing law provides for the regulation of the labeling and use of fertilizing materials, as defined, requires the payment of fees to register certain fertilizing materials, and provides for civil fines and criminal penalties for violating these provisions.

This bill would repeal and reenact these provisions, with various substantive changes. The bill would redefine the scope of the definition of fertilizing material and revise the provisions imposing various fees. The bill would, among other things, specifically prohibit the misbranding and adulteration of fertilizing materials. Since the violation of these provisions is a misdemeanor, the bill would impose a state-mandated local program by creating new crimes.

The bill would require the Director of Food and Agriculture to deposit funds collected by the director pursuant to the bill in the Department of Food and Agriculture Fund, which funds are continuously appropriated, under existing law, to the department to carry out the provisions of the bill.

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

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

Ch. 505 (SB 2376) Presley. Court costs: litigants: Transcript Reimbursement Fund.

(1) Existing law establishes a Transcript Reimbursement Fund in a specified amount for the purpose of reimbursing the costs incurred by indigent and low-income persons relating to shorthand reporting services, according to specified procedures, which is continuously appropriated for those purposes. Existing law also requires the Certified Shorthand Reporters Board to submit periodic reports to the Legislature in connection with the operation of the Transcript Reimbursement Fund. These provisions remain in effect only until June 30, 1991, and as of that date are repealed.

This bill would extend the repeal of these provisions until January 1, 1996. Because the Transcript Reimbursement Fund is a continuously appropriated fund, the bill would make an appropriation.

(2) Existing law sets the fee for the original ribbon copy, and for other copies, of a court reporter's transcript.

This bill would increase certain of those fees, as specified, for each 100 words.

Ch 506 (AB 1967) Moore. Carriers. evidence of workers' compensation and liability coverage: private carriers.

(1) Under existing law, highway permit carriers, highway common carriers, and cement carriers are required to file with the Public Utilities Commission on or before July 1, 1990, and continuing thereafter, a certification of workers' compensation coverage, or a certificate of consent to self-insure issued by the Director of Industrial Relations, together with other specified information.

This bill would instead, require these carriers to file these certificates with the commission on or before June 1, 1990. Since a violation of these provisions would be a misdemeanor under existing law, this bill would impose a state-mandated local program by creating a new crime. The bill would also make a technical correction to certain provisions governing liability protections for certain carriers

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(2) Under the Private Carriers' Registration Act, private carriers, which are those carriers currently required to obtain carrier identification numbers, are, with a specified exception, prohibited, on and after June 30, 1990, from operating a motor vehicle on any public highway without first having registered the operation with the commission. On and after January 1, 1991, any person or corporation who violates any provision of the act is guilty of an infraction and subject to specified penalties.

This bill would change those dates to January 1, 1991, and June 30, 1991, respectively.

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

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

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

Ch. 507 (AB 2636) N. Waters. Agriculture: egg products.

(1) Existing law requires egg handlers and producers to pay specified fees to the Director of Food and Agriculture to pay the costs of administration and enforcement of egg product standards. The funds are deposited in the Department of Food and Agriculture Fund and continuously appropriated.

This bill would increase the maximum fee from one mill per dozen eggs to 5¢ per each 30 dozen eggs and authorize a special fee for the use of descriptive terms requiring laboratory analysis, thereby making an appropriation.

The bill would authorize enforcing officers to issue warning notices and disposal orders on egg shipments, and would make it unlawful to deliver, dispose, or use any eggs for which a disposal order has been issued except as specified, thereby imposing state-mandated costs by creating new crimes since a violation of those orders or committing those unlawful acts would be a misdemeanor under other provisions of law

(2) This bill would incorporate additional changes in Section 27531 of the Food and Agricultural Code, proposed by AB 3928, to be operative only if this bill and AB 3928 are both enacted and become effective on or before January 1, 1991, and this bill is enacted last. These changes would become operative on the effective date of AB 3928.

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

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

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

Ch. 508 (AB 2797) Vasconcellos. Judgments and settlement claims against the state: appropriation.

This bill would appropriate $4,440,260, as scheduled, to the Department of Justice to pay judgments and settlement claims against the state in connection with 6 specified court actions.

This bill would require that the Department of Justice notify the Controller in writing as each of these judgments and settlement claims is paid. The bill would require that, with regard to any case for which funds are appropriated in the bill, any undisbursed balance or excess amount appropriated shall revert to the fund from which the appropriation was made at the close of the fiscal year in which the Controller receives notice of the payment.

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

Ch. 509 (AB 3641) Johnston. Insurance: assigned-risk plan.

Existing law requires the Insurance Commissioner to approve or issue a reasonable plan for the equitable apportionment among liability insurers of applicants for automobile bodily injury and property damage liability insurance who are entitled but unable to obtain that insurance through ordinary methods. Existing law authorizes the subscribing insurers to form their own organization to operate that plan, which is known as the assigned-risk plan.

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This bill would authorize groups of insurers not under common ownership or management to form a limited assignment distribution arrangement, that would have one servicing carrier that writes assigned-risk business on behalf of the members of the arrangement in return for consideration from the other participating carriers for not writing the business The servicing carrier would be subject to the approval of the commissioner. The commissioner would be required to impose a filing fee for considering such an application, which would be deposited into the Insurance Fund, a portion of which is continuously appropriated.

The bill would also impose specific duties on insurers with respect to the assigned-risk plan. It would require the mailing of policies within 30 days of an assignment, it would require written notice of application defects, as specified, it would require the acknowledgement of a request for an endorsement within 15 days, and the endorsement within 30 days, it would require certain return premium checks to be mailed within 30 days of a cancellation or endorsement, it would require policyholders to be provided with claim reporting information and brokers and agents to be provided with a toll-free number for communicating application or endorsement errors, and it would require insurers to reply in writing within 15 days to premium dispute complaints. The bill would also require insurers to obtain reports on operators within 60 days of the issuance or renewal of a policy.

The bill would also authorize the commissioner to require insurers to report various loss and expense ratios, and, if the insurers combined ratio exceeds the mean by 10%, a statement of the reason and a plan for reducing the ratio. The information would be a public record, and would be reported by the commissioner to certain policy committees of the Legislature.

Ch. 510 (SB 46) Garamendi. Sacramento Area Flood Control Agency.

Existing law authorizes specified entities to provide flood control benefits.

This bill would enact the Sacramento Area Flood Control Agency Act which would vest specified powers in the Sacramento Area Flood Control Agency, as created by a specified joint powers agreement. The bill would, in this connection, authorize the agency to levy and collect assessments and sell bonds in accordance with prescribed procedures and to collect specified fees and would prescribe related matters.

Ch. 511 (SB 163) Dills. Subpoenas· public officers.

(1) Existing law provides that, prior to the issuance of a subpoena requiring specified public employees to attend a court or other tribunal as a witness, $150 shall be deposited with the public entity by which the public employee is employed for each day the employee is required to remain in attendance pursuant to the subpoena and proof of that deposit shall be filed with the clerk of the court or with the tribunal.

This bill would no longer require the $150 to be deposited prior to the issuance of the subpoena, but would, instead, require the $150, together with the subpoena, to be tendered to the public entity for each day that the officer is required to remain in attendance pursuant to the subpoena. The bill would repeal the provisions requiring that proof of the deposit be filed with the clerk of the court or with the tribunal. The bill would make conforming changes

(2) Existing law provides that specified public employees shall not be ordered to return for subsequent proceedings beyond the date stated in the subpoena unless a specified sum is first deposited with the clerk of the court or with the tribunal.

This bill would provide that the specified sum shall, instead, be tendered to the public entity by which the public employee is employed.

(3) The bill would impose a state-mandated local program upon local governments by requiring local agencies to provide for the administration of sums tendered pursuant to the bill.

(4) The bill would make other related and technical, nonsubstantive changes.

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

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

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

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

Ch. 512 (SB 1063) Dills. Highways: bus passenger shelters: pay telephones: permits.

Under existing law, a structure placed upon any state highway for the purpose of selling any service is a public nuisance and may, among other things, be removed by the Department of Transportation.

This bill would exempt from these provisions a pay telephone placed pursuant to a permit from the department within a bus passenger shelter which has been lawfully erected on a state highway other than a freeway or expressway.

Ch. 513 (SB 1915) B. Greene. Industrial Welfare Commission: membership.

Existing law specifies the membership and composition of the Industrial Welfare Commission, which is to include 2 nonlawyers belonging to a recognized labor organization.

This bill would specify that 2 representatives of organized labor who are members, rather than nonlawyer members, of recognized labor organizations be on the commission.

Ch. 514 (SB 1916) Rosenthal. Hearing aid dispensers.

Existing law providing for the licensing and regulation of hearing aid dispensers does not apply to the bona fide sale of hearing aids by catalog or direct mail, under specified circumstances

This bill would delete that exemption and instead would authorize the sale of hearing aids by catalog or direct mail by a licensed hearing aid dispenser under specified circumstances. The deletion of this exemption would create a new source of licensing fees, to be deposited into the Hearing Aid Dispensers Fund, a continuously appropriated fund.

Ch 515 (SB 2243) Davis. Dentistry.

Existing law specifies the fees for the licensing and regulation of dentists.

This bill would revise and increase those fees.

The bill would require the Board of Dental Examiners to report to the fiscal committees of each house of the Legislature whenever it increases any fee, as specified, and to specify the rationale and justification for the increase.

Existing provisions of the Business and Professions Code continuously appropriate the moneys in the State Dentistry Fund. Because this bill would increase the amount of moneys in the fund, it would constitute an appropriation.

Ch. 516 (SB 2398) Dills. Veterans: disabled veteran business enterprises.

(1) Existing law relating to contracting by state agencies establishes goals for the participation in state contracts by minority, women, and disabled veteran business enterprises. Existing provisions relating to contracts of the University of California, the Department of Corrections, and electrical, gas, and telephone corporations with gross annual revenues of more than $25,000,000 establish participation goals for minority and women business enterprises.

This bill would specifically extend the provisions relating to contracts of the university, the department, and the specified public utilities to disabled veteran business enterprises. Since, under other provisions, a violation of these requirements by a public utility would be a crime, this bill would impose a state-mandated local program.

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

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

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reason.

Ch. 517 (SB 2672) Presley. Air pollution: offsets.

(1) Existing law allows an air pollution control district or air quality management district to establish a system whereby reductions in the emission of air contaminants may be banked and used to offset future increases in emissions.

This bill would allow increases at a stationary source in one district to be offset by reductions in another district, as specified. By imposing new duties on the districts, the bill would impose a state-mandated local program.

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

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

Ch. 518 (AB 1506) Moore. Public Utilities Commission employees and charter-party carriers.

(1) Under existing law, certain enumerated persons, who are not peace officers, including certain designated employees of the Public Utilities Commission assigned to the Transportation Division, are authorized to exercise the powers of arrest of a peace officer during the course and within the scope of their employment, if they receive a specified course in the exercise of those powers.

This bill would authorize the designated employees of the commission assigned to the Transportation Division to exercise the power to serve search warrants during the course and within the scope of their employment if they receive a specified training course in those powers.

(2) Under existing law, the governing body of a publicly owned or operated airport is required to manage the airport facilities and grant airport concessions in furtherance of the development of commerce and tourism and may generally enter into exclusive or limited agreements with operators of services or facilities furnished at or to the airport. Under the Passenger Charter-Party Carriers' Act, the commission issues operating authority to, and regulates the conduct of operations by, charter-party carriers of passengers, including limousines for hire.

This bill would permit the governing body of any city, county, or city and county, to impose a business license fee on, and adopt and enforce reasonable rules and regulations pertaining to the operations of, any charter-party carrier operating limousines domiciled within its boundaries. The bill would also authorize airports to adopt and enforce reasonable and nondiscriminatory local airport rules, regulations, and ordinances applicable to charter-party carriers operating limousines, as specified.

The bill would require the commission to conduct an audit and review of the annual gross revenues earned by charter-party carriers operating limousines for the purpose of ascertaining whether the imposition of additional fees on charter-party carriers would place an undue administrative or financial burden on the charter-party carrier industry, and to report its findings to the Legislature on or before June 30, 1992. The bill would impose a moratorium on the imposition of a fee based on gross receipts until January 1, 1994. The bill would also require the commission to commence a rulemaking proceeding to develop uniform operating standards applicable to charter-party carriers of passengers. The bill would appropriate $209,000 to the commission from the Public Utilities Commission Transportation Reimbursement Account in the General Fund for the purposes of carrying out this latter provision.

(3) Existing law requires the driver of a limousine for hire operated by a charter-party carrier of passengers under a valid permit to ascertain whether any passenger is under 21 years of age and, if so, to read the passenger a statement that consumption of alcoholic beverage in the vehicle is unlawful and that any alcoholic beverage transported is required to be carried in the vehicle trunk or other locked compartment. Existing law requires the statement to be signed by the passenger and requires the driver to retain the signed statement until every minor passenger is discharged.

This bill would instead require the limousine operator to retain the signed statement

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for the period required by the commission.

(4) Existing law imposes various requirements on an employer and prospective employer of a driver of a limousine for hire.

This bill would specifically make these provisions also applicable to persons operating under a certificate of public convenience and necessity issued by the commission. Since, under other provisions of law, a violation of these requirements would be a crime, the bill would impose a state-mandated local program.

(5) Existing law provides that whenever the commission, after hearing, finds that any person or corporation is operating as a charter-party carrier of passengers without a valid certificate or permit, the commission may impose a fine of not more $5,000 for each violation.

This bill would permit the commission to also impose a fine against any charter-party carrier which advertises without displaying the number of its permit or identifying symbol, as required by existing law.

(6) Under existing law, whenever the commission believes that a public utility is failing or omitting or about to fail or omit, or is doing or permitting or about to do anything, in violation of law or of any order, decision, rule, direction, or requirement of the commission, the commission may direct the attorney of the commission to commence an action or proceeding in the superior court for the purpose of having the violations or threatened violations stopped or prevented, either by mandamus or injunction

This bill would permit the executive director of the commission to seek a permanent or temporary injunction or restraining order when he or she determines that a charter-party carrier is engaging in any acts in violation of the Passenger Charter-Party Carriers' Act. The bill would also subject persons or corporations which hold themselves out to be charter-party carriers of passengers to specified provisions of the act, and would require those persons and corporations who do so without authority, to pay a fee, as specified.

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

Ch. 519 (AB 1953) Allen. Education· career-vocational education and training. [9]

Existing law requires the Superintendent of Public Instruction to coordinate the development of model curriculum standards for the course of study required for grades 9 to 12, inclusive, for adoption by the State Board of Education, as specified. Existng law requires the governing board of each school district to compare local curriculum, course content, and course sequence with the adopted model curriculum standards not less than every 3 years.

This bill would require the superintendent to coordinate the development of model curriculum standards for a vocational education course of study, and would require these standards to be adopted by the State Board of Education no later than May 1, 1991.

Existing law prescribes the minimum course requirements for high school graduation. Existing law requires the governing board of each school district, with the active involvement of parents, administrators, teachers, and pupils to adopt alternative means for students to complete the prescribed course of study, which may include practical demonstration of skills and competencies, supervised work experience or other outside school experience, interdisciplinary study, independent study, and credit earned at a postsecondary institution. Existing law requires the requirements for graduation and specified alternative modes for completing the prescribed courses of study to be made available to pupils, parents, and the public.

Existing law authorizes each school district or county office of education maintaining one or more high schools or regional occupational centers or programs that wishes to participate in implementing prescribed career-vocational education and training model state curriculum standards and frameworks to use vocational educational funds for those purposes. Existing law authorizes these funds to be used for planning and development, revision, or expansion of a locally approved model curriculum that meets specified objectives for career-vocational education and training, including, among other objectives, the identification of applied academic areas and programs, as defined, which will satisfy, in part, the requirements for high school graduation.

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This bill would state the legislative intent that all pupils enrolled in high schools be afforded the best possible opportunity to complete the equivalent of 12 years of systematic training to enable him or her to graduate from high school, and to enable him or her to advance to a college or university or to meet entry-level requirements for occupational fields.

This bill would expand the definition of "applied academic areas" to include business and office education.

This bill would require the State Department of Education to select 6 school districts maintaining any of grades 7 to 12, inclusive, to participate in a pilot project in applied academic areas and programs. The purpose of the pilot project would be to provide opportunities for pupils to attain academic interpersonal and entry-level employment skills upon graduation from high school, as specified. School districts electing to participate in the pilot project, and selected by the department, would be eligible to receive a one-time grant in an amount not to exceed $30,000 to be used for the purpose of administering the pilot project.

The pilot projects would begin in May 1991 and continue through April 1994.

The governing board of each participating school district would be required, with the active involvement of existing school district advisory committees, parents, teachers, and pupils, to prescribe alternative methods for pupils to complete the prescribed course of study for high school graduation, as specified. This bill would require these alternative methods to be made available to pupils, parents, and the public pursuant to specified requirements of existing law. Participating school districts would also be required to develop an academic course of study for the general education of all pupils which also prepares pupils for admission to postsecondary institutions, and which includes applied academic areas and programs, as defined, which will enable pupils to graduate with the skills necessary for entry-level occupational fields. This bill would require each pupil to be provided the opportunity, at his or her option, after receiving appropriate assessments and counseling, to be placed in the sequence of coursework best suited to his or her career and educational goals.

This bill would require each participating school district to review the inventory of skills of courses in applied academic areas which may satisfy in part, or which may be used as a substitute for, the requirements for high school graduation in science, mathematics, art, social science, economics, and English. This bill would require school districts to identify courses in applied academic areas of sufficient rigor and duration, and which include an adequate core of skills satisfying in whole or in part specified requirements for high school graduation. This bill would require each school district, in consultation with the Superintendent of Public Instruction, to review current methods for planning, delivering, and evaluating courses in applied academic areas and programs in high school and regional occupational centers and programs.

This bill would authorize school districts that elect to participate in the pilot project and that are selected by the department to receive a one-time grant in an amount not to exceed $30,000 for the purposes of administering the pilot project. This bill would require the department to award grants not to exceed $30,000 to 2 large school districts, grants not to exceed $25,000 to 2 medium school districts, and grants not to exceed $20,000 to 2 small school districts. This bill would authorize the department to define large, medium, and small school districts for the purposes of these provisions.

This bill would require each participating school district to submit a report to the State Department of Education not later than November 30, 1993, on the progress made in achieving the above-described objectives of the pilot project.

This bill would appropriate $150,000 from the General Fund to the State Department of Education for the purpose of funding the pilot projects. To the extent these funds are allocated to school districts for purposes of the pilot projects, those funds may be applied toward the minimum funding requirements imposed by Section 8 of Article XVI of the California Constitution.

Ch. 520 (AB 3306) Lancaster. Licensed vocational nurses.

Existing law specifies that an applicant for a license as a licensed vocational nurse shall meet certain requirements, including, among other things, completion of an approved

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course of study through the 10th grade or the equivalent thereof.

This bill would increase that educational requirement to the 12th grade.

Ch. 521 (AB 481) Campbell. Youth. [10]

Existing law provides for the administration of various grant programs relating to crime prevention by the Department of the Youth Authority.

This bill would create a 2-year pilot program for the City of Richmond Police Activities League with specified responsibilities directed toward youth crime prevention. This bill would provide that the pilot program shall be deemed successful if specified objectives are met and that funding for the second fiscal year of the program is contingent upon a review of the program by the Department of the Youth Authority to determine whether the program is successful, as specified. This bill would require the Department of the Youth Authority to submit its findings to the Legislature.

The bill would require the Richmond Police Activities League to report to the Department of the Youth Authority, and the Department of the Youth Authority to report to the Legislature, as specified, concerning the program.

In addition, the bill would appropriate $135,000 from the Driver Training Penalty Assessment Fund to the Controller for allocation, as specified, to the City of Richmond Police Activities League for the purposes of the act.

Ch. 522 (SB 665) Davis. Schools: gang violence prevention.

Under existing law, the State Department of Education is required to prepare and distribute to school districts and county offices of education guidelines for incorporating in-service training in gang violence and drug and alcohol abuse prevention for specific school personnel, and to assist these agencies in developing comprehensive gang violence and drug and alcohol abuse prevention in-service programs.

This bill would require the department, in consultation with the School/Law Enforcement Partnership and the Office of Criminal Justice Planning, to develop, or contract for the development of, a comprehensive resource guide to gang violence prevention curricula and programs. The bill would require the department to make the guide available to school districts and county offices of education on or before June 30, 1991. The bill would state that it will be implemented to the extent that funds are available to the Office of Criminal Justice Planning for these purposes.

Ch. 523 (SB 1320) Seymour. Special education.

Existing law requires the individualized education program for individuals with exceptional needs to include specified components, including the provision for the transition into the regular class program if the pupil is to be transferred from a special class or center, or nonpublic, nonsectarian school into a regular class in a public school for any part of the schoolday.

This bill would require the individualized education program to include in that provision for the transition into the regular class program a description of the activities provided to integrate the pupil into the regular education program and to support the transition of pupils from the special education program into the regular education program.

To the extent that school districts would be required to include the descriptions required by this bill as a part of the individualized education program for individuals with exceptional needs, this bill would impose a state-mandated local program.

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

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

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Ch. 524 (SB 1836) Rosenthal. Telephone corporations: emergency information.

(1) Under existing law, the regulation of the services and commodities furnished by public utilities, including telephone and telegraph corporations, is vested in the Public Utilities Commission.

This bill would require the commission to promulgate a rule or order requiring all local exchange carriers to include in their telephone directory and to annually provide to all subscribers in the form of a billing insert, information concerning emergency situations which may affect the telephone network. Since, under existing law, a violation of the commission's orders is a misdemeanor, this bill would impose a state-mandated local program by creating a new crime.

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

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

Ch. 525 (SB 1909) Presley. Education.

Existing law requires that juvenile court schools be conducted in a manner prescribed by the county board of education to best accomplish the purposes set forth in existing law, and requires a minimum schoolday of 240 minutes, except in the case of pupils in attendance in approved vocational education programs and work experience programs, for whom the minimum schoolday required is 180 minutes.

This bill would expand the exception to the requirement of the minimum schoolday of 240 minutes to include pupils in attendance in work programs required by the probation department, for whom the minimum schoolday required would be 180 minutes.

Existing law requires the governing board of each school district to prepare an annual statement of all receipts and expenditures of the district for the preceding fiscal year on or before the 20th day of September, and to file the statement with the county superintendent of schools.

This bill would impose a state-mandated local program by requiring, instead, that the governing board of each school district approve, on or before the 15th day of September of each year, an annual statement of all receipts and expenditures of the district for the preceding fiscal year, on a form prescribed by the Superintendent of Public Instruction, and file the statement with the county superintendent of schools on or before the 20th day of September.

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

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 526 (SB 2460) C. Green. Schools: gang violence prevention.

Under existing law, the State Department of Education is required to prepare and distribute to school districts and county offices of education guidelines for incorporating in-service training on gang violence and drug and alcohol abuse prevention for specific school personnel, and to assist these agencies in developing comprehensive gang violence and drug and alcohol abuse prevention in-service programs.

This bill would require the Commission on Teacher Credentialing to undertake a series of leadership activities directed toward establishing appropriate standards of preparation for teachers and other certificated personnel concerning violent behavior by students. This bill would require the commission to report on its activities to the Legislature by January 1, 1992.

This bill would appropriate $50,000 from the Teacher Credentials Fund to the Commission on Teacher Credentialing for its purposes.

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Ch. 527 (SB 2661) Presley. Local taxation: county justice facility financing.

(1) The existing County Regional Justice Facilities Financing Act allows Humboldt, Los Angeles, Riverside, San Bernardino, and Ventura Counties to establish justice facility financing agencies, as specified, with various specified powers with respect to justice facility financing for adult detention facilities, sheriff facilities, and functionally related court facilities, including the authority to supplement existing local revenues being used for the development of regional justice facilities by the imposition of a transactions and use tax pursuant to the Transactions and Use Tax Law at a rate not exceeding ½%, as specified, upon approval of a majority of the electors of the county voting thereon at a special election called for that purpose by the agency.

Under the existing Orange County Regional Justice Facilities Act, the Orange County Regional Justice Facility Commission is authorized to impose transactions and use taxes, as specified, for justice facility construction financing with respect to Orange County.

This bill would provide, in addition to the existing authorizations, that a retail transactions and use tax ordinance may be imposed by a justice facility finance agency or the Orange County Commission, upon, at the option of the agency or commission, approval of ⅔, rather than a simple majority, of the electors voting on the measure.

This bill would declare the policy of the Legislature, and would also declare the intent of the Legislature in enacting this bill, in view of pending court decisions involving the issue of whether newly created local agencies may impose local taxes with the approval of a majority of the electors.

(2) Existing provisions with respect to voter approval of taxes, added by a statewide initiative approved by the voters at the November 4, 1986, general election, provide that general taxes, as defined, shall be approved by a simple majority, and that special taxes, as defined, shall be approved by a ⅔ majority. Subsequent additional provisions provide that a retail transactions and use tax imposed by an ordinance pursuant to the County Regional Justice Facilities Financing Act shall be deemed a general tax unless the ordinance, or any amendment thereto, either declares the tax to be a special tax or requires deposit of tax proceeds in a special fund, and irrevocably restricts the use of tax proceeds to specified purposes more limited than the general purposes of the particular justice facilities financing agency.

This bill would amend those additional provisions to also apply to a retail transactions and use tax imposed by an ordinance pursuant to the Orange County Regional Justice Facilities Act.

Ch. 528 (SB 2561) McCorquodale. Fish: commercial crayfishing.

(1) Under existing law, the taking of crayfish for commercial purposes is subject to the regulations of the Fish and Game Commission. Existing law also authorizes the use of crayfish traps at any time in any district to take crayfish only under a general trap permit issued by the Department of Fish and Game.

This bill would require the department to take the steps it determines are necessary to prevent overfishing of crayfish in the Sacramento-San Joaquin Delta. Those steps could include, but are not limited to, submitting to the Legislature proposed legislation to place limitations on the commercial crayfishing in that area. The bill would make legislative findings relating to overfishing of crayfish in that area.

(2) Existing law continuously appropriates the money in the Fish and Game Preservation Fund to the department to carry out its duties under the Fish and Game Code.

Because this bill would impose additional duties on the department, thereby making the money in the fund available for a new purpose, the bill would make an appropriation.

Ch. 529 (AB 2760) N. Waters. Weights and measures.

Existing law makes various actions regarding weighmaster certificates a misdemeanor.

This bill would, until January 1, 1995, make violations of the authorization to use a previous tare weight by vehicles hauling bulk tomatoes that exceed the tolerance in specified regulations an infraction instead of a misdemeanor, and would impose a fine based on the percentage amount the vehicle exceeds the specified tolerance.

The bill would require the Department of Food and Agriculture to compile informa-

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tion on, and prepare a statistical comparison of, violations of those provisions for 18 months prior to and after January 1, 1991, as prescribed, for purposes of determining the effect of the bill, and to provide this information and comparison to the Legislature, not later than January 1, 1993.

Ch. 530 (SB 2579) Robbins. Insurance: long-term care.

Existing law contains various provisions regulating long-term care insurance, including provisions concerning conversion and continuation of coverage, and requires disclosures for sales that involve replacement coverage.

This bill would make technical changes in the conversion provisions, and technical revisions in the required disclosure form.

Existing law provides for the regulation of long-term care insurance covering long-term health care by requiring certain coverage, requiring certain disclosures, and providing for consumer protection.

This bill would also require insurers delivering or issuing for delivery in the state a policy of long-term care insurance to provide an option to purchase a policy that provides for benefit levels to increase to account for reasonably anticipated increases in the cost of care, as specified.

Ch. 531 (AB 2635) Tanner Hazardous Substance Cleanup Bond Act.

Existing law, the Johnston-Filante Hazardous Substance Cleanup Bond Act of 1984, provides for the issuance and sale of general obligation bonds in an amount not to exceed $100,000,000 and requires that the bond proceeds be deposited in the Hazardous Substance Cleanup Fund. Existing law requires that any moneys derived from the premiums and accrued interest on the bonds be deposited in the Hazardous Substance Clearing Account within the Hazardous Substance Account. Existing law requires that all interest earned on funds in the Hazardous Substance Account, and other funds transferred to the Superfund Bond Trust Fund by the Legislature or the State Department of Health Services, be deposited in the trust fund. Existing law requires the transfer of funds in the trust fund to the Hazardous Substance Clearing Account to make the necessary principal and interest payments on bonds issued.

This bill would provide that all interest earned on moneys in the Hazardous Substance Cleanup Fund be deposited in the trust fund The bill would make a statement that these changes are declaratory of existing law.

Ch. 532 (AB 2824) Jones. Hazardous substances. remedial action plans and report.

Existing law, the Carpenter-Presley-Tanner Hazardous Substance Account Act, requires the State Department of Health Services or a California regional water quality control board to prepare or approve action plans, which specify, among other things, removal and remedial actions selected for the cleanup of all hazardous substance release sites identified and categorized pursuant to a specified procedure. The act authorizes specified potentially responsible parties, within a specified period of time after issuance of a final remedial action plan, to convene an arbitration proceeding by agreeing to submit to binding arbitration by the Hazardous Substance Cleanup Arbitration Panel. The act authorizes a potentially responsible party named in the final remedial action plan to seek judicial review of the plan by filing a writ of mandate within 30 days after the final plan is issued.

Existing law requires the department to provide a report to the Legislature, on or before October 1 of each fiscal year, which contains information relating to the actual funds expended for hazardous substance release sites, efforts to obtain contributions from potentially responsible parties and available federal funds, and an accounting of federal funds obtained by, or committed to, the state.

This bill would, instead, require a potentially responsible party named in the final remedial action plan to seek judicial review of the final remedial action plan by filing a petition for writ of mandate within 30 days after the final remedial action plan is issued by the department and would require any other person who has a right to seek judicial review to do so within one year after the final plan is issued. The bill would prohibit a potentially responsible party from bringing an action to review the plan unless the

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petition is filed within 30 days after the plan is issued and would prohibit any other person from bringing such an action unless the petition is filed within one year after the plan is issued. The bill would specify that the filing of a demand to convene an arbitration panel does not stay any removal or remedial action specified in the plan. The bill would require the department to provide the report to the Legislature on or before January 10 of each fiscal year.

Ch. 533 (AB 2868) Bader. Hazardous waste management.

(1) Existing law makes recyclable materials subject to the hazardous waste control laws, except if the State Department of Health Services issues a variance or except as otherwise provided, including when the material meets prescribed requirements. Existing law provides that prescribed recyclable materials, including used oil and materials burned for energy recovery, used to produce a fuel, or contained in fuels, except as otherwise exempted, are hazardous waste and subject to regulation under the hazardous waste control laws, even if the recycling meets specified conditions. A violation of the hazardous waste control laws is a crime. This bill would revise the requirements which used oil and material burned for energy recovery, used to produce a fuel, or contained in a fuel, are required to meet to be exempted from that list of recyclable materials which are hazardous wastes and subject to regulation even if the recycling meets specified conditions. By revising these requirements, the bill would impose a state-mandated local program by creating new crimes.

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

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

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

Ch. 534 (AB 2923) Hughes. Teacher credentials.

Existing law includes, as one of the qualifications for a teaching credential, other than a designated subjects credential, that a candidate demonstrate a knowledge of the various methods of teaching reading, as specified. Existing law exempts, from that requirement, any candidate for a single subject instruction credential who holds a degree in industrial arts, physical education, music, art, or home economics.

This bill would eliminate that exemption except with regard to persons performing teaching services under the exemption as of the effective date of this bill.

Ch. 535 (AB 3428) Clute. Department of Veterans Affairs: reports and regulations. county veteran service officers.

Under existing law, the Department of Veterans Affairs pays each county that has a county veteran service officer a portion of the costs of that officer conditioned upon observance of the standards and regulations prescribed by, and in compliance with the directives of, the department.

This bill would require the department to annually prepare a report of the activities of county veteran service officers, including specified information concerning federal benefit payments obtained for veterans and the savings in state benefits costs, by county and statewide, and would direct the department to submit copies of the report to the Department of Finance, the State Department of Health Services, the California Veterans Board, and each Member of the Legislature.

The bill would also direct the department, by July 1, 1991, to adopt regulations governing its administration of subvention and reimbursement programs for county veteran service officers.

Ch. 536 (AB 3568) Areias. Natural Disaster Volunteer Corps Program.

Existing law establishes, in the Governor's Office, the Office of Emergency Services, which, among other things, coordinates state emergency services in the event of a natural disaster.

This bill would require the Office of Emergency Services, in consultation with appro-

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priate state and local governmental agencies and volunteer agencies, to develop a plan for state and local governmental agencies to utilize volunteer resources during a state of emergency proclaimed by the Governor.

The bill would require that the plan address, at a minimum, specified issues.

The bill would require that the office provide a status report of the development of the plan to the Assembly Committee on Earthquake Preparedness and Natural Disasters and the Senate Committee on Toxics and Public Safety Management not later than July 15, 1991, with a final report, including recommendations for implementation of the plan, to be provided to these committees by October 31, 1991.

The bill would appropriate $15,000 to the office for the purposes of the bill.

Ch. 537 (AB 3676) Cortese. Hazardous waste: lists.

Under existing law, the State Department of Health Services, the State Water Resources Control Board, and the California Integrated Waste Management Board are required to submit periodic lists of sites containing hazardous wastes, and other specified information to the Office of Planning and Research. The Office of Planning and Research is required to consolidate the information contained in the lists and distribute it to each city and county in which sites on the lists are located. Persons submitting development project applications are required to consult these lists, as specified.

This bill would, instead, provide for submission of this information to the Secretary of Environmental Affairs and make related changes. The bill would require the secretary to distribute this information to any person, upon request, and would authorize the secretary to charge a reasonable fee to persons requesting the information, to cover costs.

Ch. 538 (AB 4260) Epple. Swap meets.

Existing law requires a swap meet vendor, upon request, to provide a purchaser with a written receipt disclosing the vendor's name and address when the items purchased have a selling price in excess of $15.

This bill would require a swap meet owner or operator to post a sign at the main entrance of the swap meet which states that vendors are required to issue receipts pursuant to those provisions of existing law, as specified.

Except, as specified, a violation of the provisions of law relating to swap meets is a misdemeanor. To the extent that this bill would expand the applicability of these provisions it would impose a state-mandated local program.

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

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

Ch. 539 (SB 1141) Robbins. Insurance: signature on policies.

Existing law requires insurance policies to be subscribed by the president or vice president, or in the case of death, absence, or disability of those officers, by any 2 of the directors, and countersigned by the secretary of the corporation.

This bill would additionally authorize the chairman or chief executive officer of the insurer to subscribe policies of insurance.

Ch. 540 (AB 2822) Woodruff. Education: required courses of study.

Existing law requires that instruction upon the nature of alcohol, narcotics, restricted dangerous drugs, and other dangerous substances and their effects upon the human system as determined by science be included in the curriculum of all elementary and secondary schools.

This bill would require that instruction on the effects of those substances upon prenatal development be included in the curriculum of all secondary schools and would require the governing board of each school district to adopt regulations specifying the grade or grades and the course or courses in which the instruction is to be included, thereby imposing a state-mandated local program.

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

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 541 (AB 3184) Hughes. Postsecondary education: blind students: reader services.

Existing law requires the Trustees of the California State University to adopt regulations regarding disabled student services.

This bill would require the Trustees of the California State University to report to the Legislature on or before December 1, 1990, on reader services for blind students, as specified, and would make legislative findings and declarations with respect to those services.

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

Ch. 542 (SB 1860) Kopp. Vehicles: speed limit: senior centers.

(1) Existing law prescribes a prima facie speed limit of 25 miles per hour when passing a school building or its grounds contiguous to a highway and posted with a standard school warning sign while children are going to or leaving the school either during school hours or the noon recess period. Local authorities are authorized to decrease that speed limit to 20 or 15 miles per hour, whichever is found more appropriate.

This bill would establish a prima facie speed limit of 25 miles per hour when passing a senior center or other facility primarily used by senior citizens which is contiguous to a street other than a state highway and posted with a "SENIOR" warning sign. A local authority would not be required to erect these signs until donations from private sources covering these costs are received and it determines the signing should be implemented. Local authorities would be authorized to decrease that speed limit to 20 or 15 miles per hour, whichever is found more appropriate. Because a violation of the established speed limit would be an infraction, the bill would impose a state-mandated local program by creating a new crime or infraction.

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

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

Ch. 543 (SB 2015) Kopp Paternity

Existing law provides that the issue of a wife cohabitating with her husband, who is not impotent or sterile, is conclusively presumed to be a child of the marriage, except if the court finds that the conclusions of all experts, as disclosed by the evidence based upon blood tests performed as specified, are that the husband is not the father of the child, in which case the question of paternity of the husband is required to be resolved accordingly. Existing law provides that a notice of motion for blood tests may be raised by the husband not later than 2 years from the child's date of birth.

This bill would provide, instead, that a notice of motion for blood tests may be filed not later than 2 years from the child's date of birth by the husband, or for the purposes of establishing paternity by a presumed father, as defined, or by the child through or by the child's guardian ad litem.

This bill would also add a provision to the Uniform Parentage Act to specify that the court may order pendente lite relief consisting of an award of custody or the granting of reasonable visitation rights, if the court finds pursuant to the above specified blood test, that a parent-child relationship exists and that the award of custody or the granting of visitation rights would be in the best interests of the child.

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Ch. 544 (SB 2028) Doolittle. Drug paraphernalia.

Existing law provides that it is unlawful to possess any instrument or paraphernalia used for unlawfully injecting or smoking certain specified controlled substances.

This bill would add specified stimulants to the controlled substances for which possession of instruments used for injecting, ingesting, or smoking these substances is unlawful. This bill would thus impose a state-mandated local program by creating a new crime.

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

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

Ch. 545 (SB 2032) L. Greene. Engineers and land surveyors.

Existing law provides that a certificate of registration or a certificate of authority of an engineer or the license of a land surveyor may be renewed within 5 years after its expiration by meeting specified conditions, including the payment of the renewal fee in effect on the last renewal date.

This bill would require, instead, that all accrued and unpaid renewal fees be paid as a condition for the renewal of a certificate or license.

Existing law provides that a license not renewed within 5 years may not be renewed unless specified conditions are met, including, among other things, that the person take an examination and pay all fees required of him or her as if he or she were applying for the certificate for the 1st time. However, existing law authorizes the waiver of the examination in specified cases.

This bill would provide in that situation that the registrant or certificate holder may pay all the fees required as if he or she were applying for the certificate for the 1st time; or, if the registrant or certificate holder has been practicing with an expired or delinquent license and has the examination requirement waived he or she shall pay all accrued and unpaid renewal fees.

Existing regulations of the State Board of Registration for Professional Engineers and Land Surveyors provide for an appeal from an examination for applicants for a license issued by the board

This bill would require the board to establish by regulation a fee for that appeal in an amount not to exceed the costs incurred by the board.

Existing provisions of the Business and Professions Code continuously appropriate the moneys in the Professional Engineer's and Land Surveyor's Fund. Because this bill would increase the amount of moneys in the fund, it would constitute an appropriation.

Ch. 546 (SB 2091) Hart. Solid waste: packaging recycling.

Existing law requires the California Integrated Waste Management Board to submit to the Legislature, on or before January 1, 1991, a report and model legislation for the most effective means of enacting and implementing a disposal cost fee system, as specified, and provides that if the board, as it is constituted as of July 1, 1990, fails to disapprove a contract entered into by the board for the purposes of preparing the report and model legislation by August 1, 1990, the contract shall be deemed approved.

This bill would specify additional requirements for the model disposal cost fees and the evaluation and would delete the provision deeming approved the contract for preparation of the report and model legislation under the specified conditions.

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

Ch. 547 (SB 2222) Watson. Board of Behavioral Science Examiners.

Existing law specifies a single examination fee for licensees of the Board of Behavioral Science Examiners.

This bill would establish increased separate fees for the written and oral examinations for an applicant for a marriage, family, and child counselor license, educational psychologist license, and clinical social worker license, would increase the renewal fees for those licenses, and would make related changes.

The bill would also require the board to prepare specified enforcement cost informa-

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tion by October 1, 1991, and annually thereafter, and to make that information available upon request.

Existing provisions of the Business and Professions Code continuously appropriate moneys in the Behavioral Science Examiners Fund. Because this bill would increase the money in that fund that will be available for expenditure, it constitutes an appropriation.

Ch. 548 (SB 2235) Presley. Correctional institutions.

Existing law establishes the Robert Presley Institute of Corrections Research and Training for purposes of supporting and enhancing research, education, and training for corrections personnel. In addition, existing law establishes a 17-member board of the institute which includes, among others, 6 members of the board who shall be appointed by the Governor, one of whom shall be designated by the Governor as chairperson, and the chancellor of the campus affiliated with the institute who is authorized to serve as an ex officio voting member.

This bill would provide that the chancellor of the campus affiliated with the institute is authorized to serve either as an ex officio voting member or as a gubernatorial appointee of the board, as specified, rather than only as an ex officio voting member of the board.

Under existing law, a Joint Legislative Committee on Prison Construction and Operation consisting of a specified membership is directed to provide legislative scrutiny over prison construction and operation. The committee remains in effect until January 1, 1993.

This bill would enlarge the duties of the committee to include investigating and making recommendations on inmate population management issues as they relate to specified problems.

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

Ch. 549 (AB 2981) Elder. Public Employees' Retirement System: contracting agencies.

(1) The Public Employees' Retirement Law generally authorizes various local contracting agencies to select alternative benefit improvement provisions for their employees.

This bill would authorize contracting agencies to amend their contracts to provide specified increased service retirement benefits for all employees who are local miscellaneous members. This new authorization would impose state-reimbursable, state-mandated local negotiating costs since its exercise would be subject to negotiation under existing law relating to local public employer-employee relations.

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

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 550 (AB 2990) Hauser. California Forest Products Commission.

(1) Existing law does not provide for a specific program or entity for the promotion of forest products of this state.

This bill would create the California Forest Products Commission with a prescribed membership, and prescribe its powers, duties, and responsibilities in carrying out the provisions of the bill. The commission would be authorized to carry on programs dealing with the promotion of forest products, public information and education, and research. The bill would authorize the commission to levy an assessment, not to exceed $1 per 1,000 board feet, on producers, except as specified, and would authorize the expenditure of the funds so levied for purposes of carrying out the provisions of the bill, thereby making an appropriation.

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The bill, except as necessary to conduct an election, would not become operative until the producers of timber, by referendum, vote in favor of the bill, as prescribed. The bill would also provide for the suspension and termination of the operation of its provisions and for concluding the operations of the commission.

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

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

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

Ch. 551 (AB 2997) Areias. Travel promoters.

Existing law provides that, in addition to any civil penalties, a violation of provisions regulating travel promoters is punishable as a misdemeanor. Every offense declared to be a misdemeanor where a different punishment is not prescribed is punishable by imprisonment in the county jail not exceeding 6 months.

This bill would provide that, in addition, any violation of specified refund provisions where property received by a travel promoter, or the payment made by or on behalf of any one passenger, exceeds certain sums, as specified, may be punishable by imprisonment in the county jail for not more than one year, or as a felony. The bill would, therefore, increase the existing misdemeanor penalty and thus create a state-mandated local program.

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

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

Ch. 552 (AB 3033) Johnson. Workers' compensation: death benefits: scholarships.

Existing law entitles each dependent or spouse of certain peace officers or law enforcement officers of state or local agencies, who are killed or disabled as a result of an accident or injury caused by external violence or physical force, incurred in the performance of his or her duty, to a specified college scholarship.

This bill would additionally provide this entitlement to each dependent or spouse of prescribed peace officers who are similarly killed or disabled.

Ch. 553 (AB 3181) N. Waters. County water district ordinances.

Under existing law, certain ordinances adopted by a county water district restricting water use during emergencies or regulating the provision of sewer or sanitation services are required to be published, as prescribed, in a newspaper of general circulation in the district if there is such a newspaper.

This bill would permit the required publication of the ordinance to be satisfied by publication of a summary, as prescribed, or under specified circumstances, by publication of a display advertisement, as prescribed.

Ch. 554 (AB 3214) McClintock. Postsecondary enrollment options programs.

Existing law requires the California Postsecondary Education Commission to review and assess various postsecondary education programs.

This bill, in addition, would require the California Postsecondary Education Commission to review and assess the postsecondary enrollment options program in various states, to determine if the postsecondary enrollment options program has been successful in achieving its objectives, and if the postsecondary enrollment options program should be implemented in California, as specified.

Ch. 555 (AB 3265) Roybal-Allard. Gasoline dispensing apparatus: notices.

(1) Existing law regulates the operation of service stations, including the display of notices dealing with the price of motor fuel.

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This bill would require every service station in this state, on and after July 1, 1991, to display, at a conspicuous place on, at, or near the dispensing apparatus or at or near the point of sale, at least one clearly visible sign showing a list of applicable state and federal fuel taxes per gallon of motor vehicle fuel sold from the dispensing apparatus.

Since the failure to intentionally comply with this requirement would be an infraction under existing law, the bill would impose a state-mandated local program by creating a new crime.

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

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

Ch. 556 (AB 3329) Lempert. Personnel commissions.

Existing law requires any school district or community college district that has adopted a merit system to appoint a personnel commission composed of either 3 or 5 members. In districts that have a 3-member personnel commission, one member of the commission is required to be appointed by the governing board of the district and one member, nominated by the classified employees of the district, is required to be appointed by the governing board of the district. Those 2 members, in turn, are required to appoint the 3rd member. In districts that have a 5-member personnel commission, 2 members of the commission are required to be appointed by the governing board of the district and 2 members, nominated by the classified employees of the district, are required to be appointed by the governing board of the district. Those 4 members, in turn, are required to appoint the 5th member to the commission. The appointed members must appoint the 3rd or 5th member within 30 days of their appointments.

This bill would require that the appointed members announce their intended appointee for the 3rd or 5th member within the prescribed period. This bill would require the appointee or appointees of the governing board and the appointee or appointees nominated by the classified employees, in an open hearing, to provide the public and employees and employee organizations an opportunity to express their views on the qualifications of each candidate recommended for the vacancy. The bill would require each candidate to be invited to this meeting. These requirements would impose a state-mandated local program.

The bill also would authorize the appointee or appointees of the governing board and the appointee or appointees nominated by the classified employees to make their appointment or to make a substitute appointment or recommendation without further notification or public hearing.

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

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 557 (AB 3369) Tanner. Hazardous waste facility projects: land use decisions.

Existing law authorizes a proponent and any interested person to file an appeal of a land use decision made by a local agency for a hazardous waste facility project with the Governor or the Governor's designee, under specified conditions. If an appeal is filed, the Governor or his or her designee is required to determine, within a specified period of time, whether the proponent has obtained all permits for the hazardous waste facility project which can be obtained before construction from responsible agencies which are state agencies.

Existing law authorizes the Governor or the designee to return the application for appeal to the proponent or interested party if the Governor or the designee is unable

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to determine, within a specified time period, whether an appeal board should be convened because the application for the appeal is incomplete. The Governor or designee, upon a prescribed determination, is required to convene an appeal board, within a specified time, by requesting the League of California Cities to nominate a member of a city council and the County Supervisors Association of California to nominate a member of a county board of supervisors for appointment to the appeal board. The appeal board is required to be convened and a public hearing held within a specified time after the Governor or his or her designee makes a specified determination that an appeal board should be convened.

This bill would require the Governor or his or her designee, if an appeal is filed, to determine, within the specified time period, whether the proponent has obtained all permits for the hazardous waste facility project which can be obtained before construction from responsible agencies which are state agencies, and which were obtainable when the appeal was filed. The bill would require the Governor or his or her designee to return the application for appeal to the person who filed the appeal if the Governor or his or her designee is unable to determine, within a specified time period, whether the appeal board should be convened because the application for the appeal is incomplete. The bill would provide that the appointments to the appeal board pursuant to the nominations by the league and the association shall terminate and that new appointments shall be made if the appointee does not continue in his or her office for the duration of the appeal for which the appointment was made. The bill would require the public hearing to be held within 15 days after the appeal board has been convened.

Ch. 558 (AB 3382) Baker. Sales taxes: transactions and use taxes: sale and purchase: sale and leaseback arrangements.

The existing California Sales and Use Tax Law imposes a state sales or use tax on the sale or use of tangible personal property in the state, unless that sale or use is exempted from that tax. Existing provisions also define "sale" and "purchase" for purposes of the sales and use taxes, and provide that certain events shall not be included within the meaning of those terms.

This bill would provide, until January 1, 1995, that the terms "sale" and "purchase," for purposes of sales and use taxes, shall not include any transfer of title to, nor any lease of, tangible personal property pursuant to an acquisition sale and leaseback, as defined. By restricting the definition of "sale" and "purchase," this bill would provide for an exemption from the sales and use taxes.

Section 2230 of the Revenue and Taxation Code provides that the state will reimburse counties and cities for revenue losses caused by the enactment of sales and use tax exemptions.

This bill would provide that no appropriation is made and the state shall not reimburse local agencies for sales and use tax revenues lost by them pursuant to this bill.

Ch. 559 (AB 4012) Frizzelle. Horseracing: California Horse Racing Board

Under existing law, the California Horse Racing Board administers the Horse Racing Law, with jurisdiction and supervision over horseracing in the state The federal Indian Gaming Regulatory Act provides that certain gaming activities, including horseracing, are lawful on Indian lands under the jurisdiction of a particular Indian tribe if, among other things, the horseracing is conducted in conformance with a Tribal-State compact entered into by the Indian tribe and the state wherein the lands are located.

This bill would designate the board as the state entity responsible for negotiating with Indian tribes for the purpose of entering into Tribal-State compacts governing the conduct of horseracing on Indian lands.

Ch. 560 (AB 4129) Hughes. State Teachers' Retirement System: benefits.

(1) Existing State Teachers' Retirement Law authorizes benefit payments, upon request, to be transmitted to banks, savings and loan associations, or credit union accounts.

This bill would authorize transmission by electronic fund transfer or by mail and make other related changes.

(2) Existing law prescribes the effective dates for disability retirement that may be

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designated by a member.

This bill would make a technical nonsubstantive change in that provision.

(3) Existing law requires service to be computed by school years and not by calendar years.

This bill would define "school year" as the fiscal year or academic year and prescribe the method of computing service in school districts conducting year-round or continuous school operations.

(4) Existing law authorizes school districts to elect to provide increased early retirement benefits for members with 30 years of credited service.

This bill would permit any member with 30 years of credited service to elect that benefit.

(5) Existing law requires 1st checks to be paid within specified days of retirement.

This bill would make nonsubstantive technical changes in those provisions.

Ch. 561 (AB 4320) Frazee. Yacht and ship brokers.

(1) Under the Yacht and Ship Brokers Act, the Department of Boating and Waterways licenses the activities of brokers and salespersons engaged in the buying and selling of yachts and ships, as specified. The act exempts any transaction involving the foreclosure of the security interest in a yacht.

This bill would prohibit the department from issuing a license under a fictitious business name which is the same as or similar to the fictitious business name on a license previously issued and in effect.

(2) The bill would exempt from the act any transaction involving the sale of property subject to foreclosure of a security interest in a yacht conducted by the holder of that security interest.

The bill would require a broker's written authorization to sell to include any repairs authorized to be made.

(3) The bill would increase the following fees required under the act: (a) for an original broker's license, from $100 to $200, (b) for the renewal of a broker's license, from $50 to $75; (c) for an original salesperson's license, from $50 to $100; (d) for the renewal of a salesperson's license, from $25 to $50; and (e) for a salesperson's temporary license, from $10 to $25. The bill would also require the department to impose a criminal records investigation fee, in an amount determined by the Department of Justice, not to exceed the amount needed to reimburse the department for conducting the investigation.

(4) The bill would require that any action taken in the enforcement of the act be commenced within 3 years of the department's discovery of the facts constituting the grounds for that action.

Ch. 562 (AB 3798) Johnston. Insurance: rates

Existing provisions of law that regulate insurance rates, including provisions added by Proposition 103, an initiative statute that may be amended by the Legislature only by a ⅔ vote and in furtherance of its purpose, apply to specified types of insurance.

This bill would provide that surety insurance is not subject to provisions that provide for a rate rollback and require prior approval of rates; however, it would require any rate, rating plan, or rating system for surety insurance to be filed with the Insurance Commissioner. It would also provide that surety insurance is not subject to provisions that prohibit an insurer from using a rate that is excessive, inadequate, unfairly discriminatory, and provide that in determining whether a rate violates that provision, no consideration shall be given to the degree of competition, and the commissioner shall consider whether the rate mathematically reflects investment income. It also would provide that surety insurance is not subject to provisions that require an insurer to file an application for any change in a rate. It would also provide that the rates for surety insurance shall not be excessive, inadequate, or unfairly discriminatory, as specified. The bill would provide that it applies to rates, rating plans, and rating systems for surety insurance on and after November 8, 1988.

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Ch. 563 (AB 4265) Clute. Airports: land use commissions: plans.

Under existing law, each county in which there is an airport served by a scheduled airline and, with a specified exception, each county with an airport operated for the benefit of the general public, is required to establish an airport land use commission. The commission is required to formulate a comprehensive land use plan to provide for the orderly growth of the airport and the area surrounding the airport within the jurisdiction of the commission. Under existing law, the plan is required to include a long-range master plan that reflects the anticipated growth of the airport during at least the next 20 years.

This bill would require the plan to be based on a long-range master plan or an airport layout plan. It would also require the Division of Aeronautics of the Department of Transportation to notify a commission if the plan does not include the required matters.

Ch. 564 (AB 4331) Moore. Telephone corporations: change of long-distance carrier.

Under existing law, every telephone subscriber may, at any time, change his or her primary long-distance carrier.

This bill would prohibit an interexchange telephone corporation from authorizing a local exchange telephone corporation to make any change in a residential telephone subscriber's presubscribed long-distance carrier unless specified steps have been taken.

Ch. 565 (AB 66) Floyd. Public officers: conflict of interest.

Existing law prohibits various public officers and employees from being financially interested in any contract made by them in their official capacity, or by any board of which they are members. Existing law provides that an officer shall not be deemed to be interested in a contract entered into by a body or board of which the person is a member if the officer has only a remote interest in the contract, as defined, and other conditions are satisfied. In particular, existing law defines a remote interest to mean, among other things, the interest of a parent in the earnings of his or her minor child for personal services.

This bill would provide instead that a remote interest shall include, among other things, the interest of a parent, spouse, sibling, or child of the contracting party

Ch. 566 (AB 2193) Tucker. Minors.

Existing law provides that if immediate emergency medical, surgical, dental, or other remedial care is required by (a) a person taken into temporary custody on the basis that there are grounds on which he or she may be adjudged a dependent child or ward of the juvenile court, (b) a person concerning whom a dependency or wardship petition has been filed with the court, or (c) a dependent child or ward of the juvenile court who is placed by order of the court within the care and custody or under the supervision of the probation officer of the county in which the dependent child or ward resides, or when the probation officer after reasonable diligence cannot locate and notify the parent, guardian, or person standing in loco parentis of the need of the minor for medical care, the court or the probation officer, upon the written recommendation of specified medical personnel, may authorize the performance of that care as is reasonably necessary under the circumstances, without notice to the parent, guardian, or person standing in loco parentis.

This bill instead would provide that whenever it appears that a minor described above requires medical, surgical, dental, or other remedial care in an emergency situation, as defined, that care may be provided by a licensed physician and surgeon or licensed dentist, as appropriate, without a court order and upon authorization of a probation officer. This bill would require probation officers to make reasonable efforts to obtain the consent of, or to notify, the parent, guardian, or person standing in loco parentis prior to authorizing emergency medical, surgical, dental, or other remedial care and would thereby impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims

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Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 567 (AB 2906) Seastrand. Corporations: mergers.

Existing law regulates the merger of domestic with foreign corporations. Among other things, it provides that the merger is effective as to a domestic disappearing corporation as of the date of the effectiveness in the foreign jurisdiction upon the filing of specified documents.

This bill would recast the filing requirement and would specifically permit the filing of a specified certificate of ownership. It would also provide that if the filing of the specified documents is more than 6 months after the date of effectiveness in the foreign jurisdiction, or if the powers of the domestic corporation are suspended at the time of the effectiveness in the foreign jurisdiction, the merger shall be effective as to the domestic disappearing corporation or corporations as of the date of filing in this state. It would further provide that each foreign disappearing corporation that is qualified for the transaction of intrastate business shall automatically by the filing surrender its right to transact intrastate business as of the date of filing in this state regardless of the time of effectiveness as to a domestic disappearing corporation.

It would also require a certificate of satisfaction of the Franchise Tax Board to be filed when required by specified provisions of law.

Ch. 568 (AB 3289) Friedman. Driving: alcohol or drugs.

Under existing law, a person driving a vehicle on a highway or in an offstreet parking facility with willful or wanton disregard for the safety of others is guilty of reckless driving and is punishable by a specified jail term or fine. Also, penalties are prescribed for driving under the influence of an alcoholic beverage, any drug, or both, or with a specified or greater percentage of alcohol in the blood, or while addicted to any drug. Existing law also prescribes various vehicular speed limits.

This bill would, except as specified, require an additional and consecutive 60-day term in the county jail for any person found, according to prescribed procedures, to have driven a vehicle in a manner prohibited by those provisions of existing law relating to reckless driving and 30 or more miles per hour over the speed limit on a freeway, or 20 or more miles per hour over the speed limit on any other street or highway, upon conviction of driving a vehicle while under the influence of an alcoholic beverage, any drug, or both, or with a specified or greater percentage of alcohol in the blood, or while addicted to any drug. The bill would also require the court to order a 1st offender to participate in a specified education and counseling program. By increasing the penalty for a crime, the bill would impose a state-mandated local program.

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

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

Ch. 569 (AB 3971) Floyd. Crimes: Endurance contests and exhibitions.

Existing law prohibits marathon dances and various other public human endurance contests and exhibitions as misdemeanors, except as specified.

This bill would repeal those provisions, and would state the findings of the Legislature in this regard.

Ch. 570 (AB 3964) Leslie. Time for pronouncing judgment.

Under existing law, a court is required to appoint a time for pronouncing judgment in a criminal case within 28 days after a verdict, finding, or plea of guilty, during which time the case is referred to the probation officer for a report on sentencing recommen-

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dations.

This bill would change the period within which the court is required to pronounce judgment from 28 calendar days to 20 judicial days after a verdict, finding, or plea of guilty.

Ch. 571 (AB 885) Sher. Hazardous waste violations.

Existing law specifies that a misdemeanor is punishable by imprisonment in the county jail not exceeding 6 months, or by fine not exceeding $1,000, or by both. Under existing law, any person who violates the hazardous waste control law, or any permit, rule, regulation, standard, or requirement issued or adopted pursuant to that law is, upon conviction, guilty of a misdemeanor, except as specified.

This bill would specify that a person so convicted may be punished by a fine of up to $1,000 or by imprisonment for up to 6 months in the county jail, or by both.

Ch. 572 (SB 1645) Dills. Student fees.

Existing law governs the fixing of student fees at the California State University, the University of California, and the Hastings College of the Law. Among other things, these provisions require that all mandatory systemwide student fees at those institutions be fixed at least 10 months prior to the fall term in which they become effective, as specified. These requirements do not apply to the Regents of the University of California or to the Board of Directors of the Hastings College of the Law unless the regents or the board of directors, as appropriate, adopt a resolution to make those provisions applicable.

Under existing law, these institutions and the Governor and the Legislature are required to consider the level of mandatory systemwide student fees fixed by the governing board of the institution in determining state appropriations for those institutions if specified conditions are met. One of these conditions is that the methodology for the determination of mandatory systemwide fees provides for the determination of a base pursuant to a prescribed formula requiring, under the 2 alternative methods for computing the base, the computation of all state support budget appropriations, excluding lottery revenues, for the support of the institution, with specified exceptions.

This bill would, as to the California State University, revise the computation of the base, as specified. This revision would also be applicable to the University of California or to the Hastings College of the Law, if the regents or the board of directors, as appropriate, adopts a resolution to make it applicable.

This bill would require that the fee charged to students attending the Hastings College of the Law be identical to those charged students attending other schools of law in the University of California, if the board of directors adopts a resolution to make the requirement applicable.

Existing law authorizes mandatory systemwide student fees to be increased or decreased by an amount not to exceed 10% of the amount of the fee fixed for the prior year in the event that state revenues and expenditures are substantially imbalanced due to unforeseen factors including, but not limited to, initiative measures, natural disasters, or sudden deviations from expected economic trends.

This bill would authorize the Trustees of the California State University, the Regents of the University of California, and the Board of Directors of the Hastings College of the Law to exercise this authority to increase or decrease mandatory systemwide student fees, after consultation with the Governor, the Legislature, and appropriate student representatives.

This bill would prohibit the combined fee increases by the California State University authorized pursuant to specified provisions of current law in any fiscal year from exceeding 10% of the fee level of the prior fiscal year. This prohibition would also be applicable to the University of California or to the Hastings College of the Law if the regents or the board of directors, as appropriate, adopts a resolution to make the prohibition applicable.

Existing law requires the Trustees of the California State University, and, if they so elect, the Board of Directors of the Hastings College of the Law and the Regents of the University of California, and appropriate state executive and legislative fiscal agencies,

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as part of the annual state and segmental budgetary process, and at other times requested by the Governor or the Legislature, to report on the state long-term student fee policy and the procedures and methodologies implementing that policy.

This bill would authorize a segment in this process to select a methodology authorized under these provisions that is different from the methodology used in prior years, subject to review by the California Postsecondary Education Commission and the approval of the Department of Finance.

Under existing law, the above-described provisions relating to the fixing of student fees are in effect for the 1986–87, 1987–88, 1988–89, and 1989–90 school years and are repealed as of August 31, 1990.

This bill would provide that the 1990–91 Budget Act shall govern student fee levels for the 1990–91 school year, would extend the operation of these provisions for the 1991–92 school year through the 1995–96 school year, and would repeal them as of August 31, 1996.

Ch. 573 (SB 2755) Rogers. Veterans' Bond Act of 1990.

This bill would enact the Veterans' Bond Act of 1990 which, if adopted, would authorize, for purposes of financing a specified program of farm, home, and mobilehome purchase assistance for veterans, the issuance, pursuant to the State General Obligation Bond Law, of bonds in the amount of $400,000,000.

The bill would provide for submission of the act to the voters at the November 6, 1990, general election in accordance with specified law.

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

Ch. 574 (AB 4236) Nolan. Housing: qualified mortgage bonds.

Existing federal law limits the total amount of qualified mortgage bonds that can be issued to finance owner-occupied residences The existing California Debt Limit Allocation Committee allocates the amount of qualified mortgage bonds, as defined, that may be issued annually in this state, among various governmental units.

This bill would require the committee to reserve specified amounts of the state limit for qualified mortgage revenue bonds to be allocated by the committee in each of the 1991 and 1992 calendar years to the California Housing Finance Agency for the purpose of providing owner-occupied housing, as specified.

The bill would repeal this required reservation on January 1, 1993.

The bill would also state the intent of the Legislature, and establish as a goal of the California Housing Finance Agency, that not less than ½ of the dollar amount of financing for single-family dwellings fund loans for purchasers who will be the 1st occupant. The bill would require the agency to include, in a specified annual report required by existing law, specific information evaluating the extent to which the agency has attained this goal.

Existing law sets forth various powers and duties of the California Housing Finance Agency in conjunction with the financing of housing.

The bill would make an appropriation by increasing the authorization of bonds to be issued by the agency, by $900,000,000 which under existing provisions of law are required to be deposited in the continuously appropriated California Housing Finance Fund.

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

Ch. 575 (AB 2479) Nolan. Higher education facilities.

Under the Higher Education Facilities Bond Act of 1986 and the Higher Education Facilities Bond Act of 1988, the issuance, pursuant to the State General Obligation Bond Law, of bonds in an amount not to exceed $400,000,000 and $600,000,000, respectively, and the expenditure of the revenues therefrom are authorized for the purpose of aid to the University of California, the California State University, community colleges, and the California Maritime Academy for the construction and equipping of educational facilities, as specified, and for short-term loans to community colleges for the purchase of instructional equipment. Existing law establishes the Higher Education Facilities Finance Committee to administer those acts and to authorize the issuance and sale of bonds to the extent necessary to fund the education facilities construction apportion-

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ments expressly authorized by the Legislature in the annual Budget Act.

This bill would enact the Higher Education Facilities Bond Act of November 1990, which, upon approval by the state electorate, would authorize the issuance of state general obligation bonds in an amount not to exceed $450,000,000 for purposes similar to those specified in the Higher Education Facilities Bond Act of 1986 and the Higher Education Facilities Bond Act of 1988, to be issued and sold in a manner similar to that provided under those acts. This bill would expressly include the Hastings College of the Law, which is affiliated with and is the law department of the University of California, among the institutions for which the proceeds of those bonds may be expended, consistent with the purposes of the bill.

The bill would prohibit the expenditure of funds from the bond issued by the November 1990 act for the acquisition and development of new campuses which would increase the number of campuses beyond those specified in the bond act.

The bill would specify that the addition of the Hastings College of the Law among the institutions for which the proceeds of the bonds may be expended is not intended to mark a change from the funding authorizations made under the Higher Education Facilities Bond Act of 1986, or the Higher Education Facilities Bond Act of 1988, but is intended to more clearly state what was intended by the Legislature in those acts as well.

This bill would also authorize the expenditure of the revenues of the bonds to be utilized for the construction or improvement of off-campus facilities of the California State University approved by the Trustees of the California State University on or before July 1, 1990.

This bill, notwithstanding any provision of this bill, or specified provisions of the State General Obligation Bond Law, or prescribed provisions of the law relating to special fund investments, would authorize the Treasurer to maintain a separate account for investment earnings, to order the payment of those earnings to comply with any rebate requirement under federal law, and to otherwise direct the use and investment of those proceeds so as to maintain the tax-exempt status of those bonds and to obtain any other advantage under federal law on behalf of the funds of this state.

This bill would provide for the submission of the Higher Education Facilities Bond Act of November 1990 to the voters at the next primary election, to be held November 6, 1990 in accordance with specified law.

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

Ch. 576 (AB 524) Murray. Bond act: correctional facilities.

Existing law contains the New Prison Construction Bond Act of 1981, the New Prison Construction Bond Act of 1984, the New Prison Construction Bond Act of 1986, the New Prison Construction Bond Act of 1988, and the County Correctional Facility Capital Expenditure and Youth Facility Bond Act of 1988.

This bill would enact the New Prison Construction Bond Act of 1990-B, which, if adopted, would authorize the issuance, pursuant to the State General Obligation Bond Law, of bonds in the amount of $450,000,000 to provide for the acquisition, construction, renovation, remodeling, and deferred maintenance of state youth and adult correctional facilities, to provide $15,000,000 for the planning and construction of specified community-based correctional facilities, and for the purpose of refinancing interim debt incurred for the same.

The bill would provide for submission of the bond act to the voters at the November 6, 1990, statewide general election, notwithstanding provisions of existing law but in accordance with this act

The bill would declare that its provisions take effect immediately as an urgency statute.

Ch. 577 (SB 2456) Maddy. California Housing Bond Act of 1990.

(1) Existing provisions of the First-Time Home Buyers Bond Act of 1982, approved by the voters as Proposition 5 on November 2, 1982, authorized the issuance of bonds in the amount of $200,000,000 for the purpose of implementing a buy-down mortgage plan. Existing law authorizes the California Housing Finance Agency, under that plan, to contract with, and pay to, qualified mortgage lenders an amount of money in order

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to reduce the effective interest cost on loans made by those lenders to first-time homebuyers.

This bill would propose to the state electorate an amendment to that bond measure lot, if adopted, would authorize the use of funds from the First-Time Home Buyers Bond Act of 1982 for purposes of permitting the agency to finance a home purchase assistance program to include interest rate subsidies to reduce the interest rate paid by eligible borrowers, as defined, on first-mortgage loans on eligible property, as defined, and to include deferred-payment, low-interest second-mortgage loans to reduce the principal and interest payments on the first-mortgage loans. The act submitted to the voters, in addition, would repeal the existing authority of the agency to administer the buy-down mortgage plan.

The bill would provide for the submission of these amendments as part of the California Housing Bond Act of 1990 to the voters at a statewide election to be held on November 6, 1990.

(2) The bill would enact the California Housing Bond Act of 1990 which, if adopted, would authorize for purpose of financing the Affordable Rehabilitation and Earthquake Safety Fund and several existing housing programs, the issuance, pursuant to the State General Obligation Bond Law, of bonds in the amount of $175,000,000. The bill would permit the Legislature to, from time to time, amend the provisions of law relating to programs to which the bond proceeds are allocated only for the purpose of improving the efficiency of the program and would permit the Legislature to, from time to time, amend the provisions of law relating to programs to which the bond proceeds are allocated for the purpose of furthering the goals of those programs.

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

The bill would provide for the submission of the California Housing Bond Act of 1990 to the voters at the statewide general election to be held on November 6, 1990, in accordance with specified law.

(3) The bill would also create, if the California Housing Bond Act of 1990 is adopted, the Affordable Housing Rehabilitation and Earthquake Safety Fund, which would be continuously appropriated to the California Housing Finance Agency for purposes of administering a program for the preservation of multifamily housing. The bill would authorize the agency to issue bonds and make mortgage loans for these purposes.

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

Ch. 578 (AB 236) Clute. Bonds: school facilities funding.

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

This bill would enact the School Facilities Bond Act of 1990, which, upon approval by the state electorate, would provide for the issuance of state general obligation bonds in an amount not to exceed $800,000,000, exclusive of refunding bonds issued pursuant to that act, and the expenditure of the revenues therefrom to provide aid to school districts in accordance with the Leroy F. Greene State School Building Lease-Purchase Law of 1976 and related school facilities programs, as specified.

This bill would provide that, of the moneys authorized under the School Facilities Bond Act of 1990, not more than $260,000,000 shall be reserved for specified school facilities projects, asbestos abatement, the acquisition of portable classrooms, the reconstruction or modernization of facilities, and capital funding for certain child care facilities. The bill would also require that, of the moneys authorized under the bond act, $40,000,000 be used for the purchase and installation of air-conditioning equipment and insulation materials, as specified.

The bill would set forth certain limitations on the expenditure of those bond proceeds under the Leroy F. Greene State School Building Lease-Purchase Law of 1976 for the acquisition of land.

The bill would provide for the submission of the proposed bond act to the electorate at the statewide general election to be held November 6, 1990.

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

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Ch. 579 (SB 1094) Presley. Bond acts: county correctional and juvenile facilities.

Existing law contains various bond acts to finance the construction of county correctional facilities, including the County Correctional Facilities Capital Expenditure and Youth Facility Act of 1988 under which the proceeds of the sale of bonds in the amount of $500,000,000 is available for the construction, reconstruction, remodeling, replacement, and deferred maintenance of county correctional facilities, juvenile facilities, and youth centers and shelters.

This bill would enact the County Correctional Facilities Capital Expenditure and Juvenile Facility Bond Act of 1990, which if adopted, would authorize, for purposes of financing the construction, reconstruction, remodeling, replacement, and deferred maintenance of county correctional facilities and county juvenile facilities, the issuance, pursuant to the State General Obligation Bond Law, of bonds in the amount of $225,000,000. It would specify that funds may not be received by a county if the electors adopt or approve a measure, or the board of supervisors adopts a measure, opposing a state prison site in the county, except as specified.

This bill would provide for submission of the bond act to the voters at the statewide election to be held November 6, 1990, notwithstanding provisions of existing law but in accordance with this act.

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

Ch. 580 (SB 855) McCorquodale. County health services.

Under existing law, the Short-Doyle Act, community mental health services for the mentally disordered are financed in counties. Under existing law, the Director of Mental Health is authorized, until July 1, 1991, to negotiate prescribed net amount contracts between counties and the State Department of Mental Health for mental health services, in lieu of a county's utilization of a Short-Doyle mental health plan and budget.

This bill would delete the provision which would repeal on July 1, 1991, the above authority to enter into these net amount contracts.

Under existing law, the State Department of Mental Health is required, by April 1, 1989, to submit to the Legislature an evaluation of the extent to which the objectives of negotiated net amount contracts have been met.

This bill would instead require the evaluation to be submitted by September 1, 1990.

This bill would make a conforming change and technical, nonsubstantive revisions.

Ch. 581 (SB 284) Marks. Political Reform Act: ballot measures.

Under the Political Reform Act of 1974, a committee, as defined, is required to file a statement of organization with specified information including the title and ballot number, if any, of any measure which the committee supports or opposes as its primary activity.

This bill would also require a description of the subject matter if the committee is primarily formed to support or oppose the qualification of a measure.

Under the Political Reform Act, a committee formed primarily to support or oppose the qualification of a measure is not required to file semiannual campaign statements until specified time periods in connection therewith when the measure either qualifies or fails to qualify for the ballot.

This bill would delete this provision.

Under the Political Reform Act, campaign statements disclosing the receipt and expenditure of campaign funds are required, as specified. Those statements are required to contain information concerning, among other things, expenditures made to pay or reimburse the travel expenses or necessary accommodations of a candidate, his or her representatives, or a member of his or her immediate family.

This bill would delete the requirement for the disclosure of the above expenditures with respect to travel expenses or necessary accommodations. It would also require that in disclosing expenditures made to business entities, specified information regarding these entities be provided when a candidate or person controlling the committee primarily formed for the qualification of, support of, or opposition to, an initiative or ballot measure or officer or employee of the committee, or the spouse of any of these individuals, owns 50% or more of, or is an officer, partner, consultant, or employee of, the

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business entity.

Under the Political Reform Act, a committee formed or existing primarily to support or oppose statewide measures is required to file all disclosure statements with the Secretary of State, the Registrar-Recorder of Los Angeles County, and the Registrar of Voters of the City and County of San Francisco.

This bill would extend this requirement to committees formed or existing primarily to support or oppose the qualifications of statewide measures and subject these committees to the penalties provided in the Political Reform Act, thereby creating new crimes.

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

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

Ch. 582 (SB 340) Alquist. Legislative Analyst: Reports.

(1) Existing law requires the Legislative Analyst to prepare specified reports relating to reimbursement rates for child care programs, child care services to schoolage children, school transportation costs, bilingual education language assessments, and alcohol rehabilitation facilities.

This bill would delete the requirement that the Legislative Analyst prepare each of these reports.

(2) Existing law requires the Legislative Analyst to prepare annual reports relating to state-mandated local programs.

This bill would repeal this provision.

(3) Existing law provides that there be annually introduced a local government claims bill which provides for an appropriation sufficient to pay the estimated costs of state-mandated local programs, except as specified.

This bill would require the Legislative Analyst to review each unfunded statutory or regulatory mandate for which claims have been approved by the Legislature pursuant to a claims bill during the preceding fiscal year. Any recommendations by the Legislative Analyst to eliminate or modify these mandates would be required to be contained in the annual analysis of the Budget Bill prepared by the Legislative Analyst.

Ch. 583 (SB 1104) Roberti. Optometry: graduates of foreign schools.

Under existing law, the State Board of Optometry, for purposes of licensure in optometry, may refuse to honor a doctor of optometry degree awarded by a foreign university if the board determines its instruction is not equivalent to that offered at colleges and universities in the United States.

This bill would extend that authority until January 1, 1994, and would make a related extension to an exception to that provision.

Ch. 584 (SB 1678) Presley. Civil actions: attorneys' fees.

Under existing law, if a party makes a specified settlement offer that is not accepted and the party not accepting the offer fails to obtain a more favorable offer, the party making the offer may, in the court's discretion, be awarded reasonable attorney's fees for services after the date of the offer, as specified. Under existing law, the signature of an attorney or party constitutes a certificate that the person has read the pleading, motion, or paper, and that it is well grounded and that it is not interposed for any improper purpose. In addition, if the paper is not signed, it is required to be stricken if not promptly signed. Furthermore, if a pleading is signed in violation of these provisions, the court, upon motion or its own initiative and after notice and an opportunity to be heard, is required to impose sanctions, as specified. These provisions only apply in Riverside County and San Bernardino County and remain in effect until January 1, 1991, when they will be repealed.

This bill would add specified exceptions to these provisions, and extend the effective date of these provisions to January 1, 1993.

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Ch. 585 (SB 1757) Kopp. Safety belts: taxicabs, limousines for hire.

(1) Existing law, with certain exceptions, makes it an infraction (a) to operate a private passenger motor vehicle on a highway unless the operator and all passengers 4 years of age or over are restrained by a safety belt, (b) for any person 16 years of age or over to be a passenger in a private passenger motor vehicle on a highway unless that person is restrained by a safety belt, and (c) for every owner of a private passenger motor vehicle operated on a highway to fail to maintain safety belts in good working order for the use of occupants of the vehicle.

This bill would, with certain exceptions, require an owner or operator of a taxicab, as defined, or limousine for hire to maintain safety belts in good working order for the use of occupants of the vehicle. Since a violation would be punishable as an infraction, the bill would impose a state-mandated local program by creating a new crime.

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

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

Ch. 586 (SB 1761) Vuich. Solid waste.

Chapter 1095 of the Statutes of 1989 recodified substantially all of the statutes relating to solid waste into the Public Resources Code and prescribed a new California Integrated Waste Management Board to administer the new law. That statute contained a clause subordinating its repeal of provisions of Title 7.2 (commencing with Section 66700) of the Government Code to any other act which became effective on or before January 1, 1990.

This bill would reconcile some of the provisions of other statutes enacted in the 1989 portion of the 1989–90 Regular Session with the recodification. The bill would also revise the determination of the tax credits for qualified recycling equipment.

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

Ch. 587 (SB 1782) Robbins. Insurance fraud: limitations of actions.

Existing law requires that a prosecution for a section of law that prohibits insurance fraud and related practices shall be commenced within 3 years, as specified.

This bill would revise those provisions to reflect changes made by a 1989 statute that, among other things, changed the section number of the section that prohibits insurance fraud and related practices

Ch. 588 (SB 1808) Leonard. Driving offenses: vessels and other water devices.

(1) Existing law prohibits a person from using a vessel or manipulating other specified water devices when under the influence of an alcoholic beverage, any drug, or the combined influence of an alcoholic beverage and any drug, and prohibits performing those activities with an alcohol concentration, as defined, of 0.10% or more in the blood. Existing law also prohibits, on and after January 1, 1992, a person with an alcohol concentration of 0.04% in the blood from operating vessels other than recreational vessels.

This bill would reduce the permissible limit of blood alcohol concentration from 0.10% to 0.08%. The bill would make it an infraction for any person under the age of 18 years to operate any motorboat, or, on and after January 1, 1992, any motorized recreational vessel, with 0.05% or more of alcohol in the person's blood, would make applicable certain procedures relating to the arrest of the person, and would require offenders to participate in an alcohol education or community service program.

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

Because the bill would create a new crime and revise the definition of an existing crime, the bill would impose a state-mandated local program.

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

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Ch. 589 (SB 1815) Alquist. Flood protection: Coyote/Berryessa Creeks.

(1) Existing law provides for state cooperation with the federal government in the construction of specified flood control projects.

This bill would adopt and authorize the project for flood protection measures on Coyote/Berryessa Creeks in Santa Clara County in accordance with specified recommendations of the Army Corps of Engineers and the Secretary of the Army, at an estimated cost to the state of the sum that may be appropriated for state cooperation by the Legislature upon recommendation of the Department of Water Resources, and subject to an act of Congress adopting and authorizing the project.

The bill would authorize the department to pay 50% of the nonfederal capital costs of recreation and fish and wildlife enhancement features of the project.

The bill would impose a state-mandated local program by requiring the Santa Clara Valley Water District to give assurances to the Secretary of the Army of local cooperation and to execute plans for the project in conjunction with the Department of the Army.

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

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

Ch. 590 (SB 1866) Davis. Courts: Ventura County.

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

This bill would revise the number, classification, and compensation of municipal court personnel in Ventura County, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program.

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

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

Ch. 591 (SB 1882) Kopp. Transportation agencies: purchases.

(1) Under existing law, contracts of the Golden Gate Bridge, Highway and Transportation District for the purchase of equipment, supplies, or materials in excess of $20,000 are required to be awarded by competitive bidding.

This bill would authorize the board of directors of the district, after a ⅔ vote of the membership, to purchase specified electronic equipment and apparatus, not otherwise available in substantial quantities to the general public, by competitive negotiation pursuant to prescribed procedures.

(2) Under existing law, the Southern California Rapid Transit District, the San Diego Metropolitan Transit Development Board, and county transportation commissions created under the County Transportation Commissions Act may procure specified equipment under competitive negotiation procedures.

This bill would, for these transportation agencies, revise the requirements and procedures for competitive negotiation.

Ch. 592 (SB 1900) Robbins. Court facilities.

Existing law authorizes the board of supervisors in counties of the 3rd class in which there are no available courtrooms to accommodate all authorized judicial positions, or in which the board of supervisors certifies that there is a significant need to expeditiously construct new court and court support facilities, to contract for the construction or expansion of these facilities without the formality of obtaining bids, adopting plans and specifications, or complying with other specified requirements.

This bill would, until January 1, 1996, authorize the board of supervisors in the Counties of Los Angeles, Orange, Riverside, Sacramento, San Bernardino, San Diego, San Francisco, and Santa Clara, when the board certifies by a ⅔ vote that there is a significant

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need to expeditiously construct or expand court and court support facilities, to contract for the construction, alteration, or expansion of court and court support facilities without the formality of obtaining bids, or adopting plans and specifications, as specified. However, this bill would require a prescribed competitive evaluation of proposals submitted. This bill would preclude a contract award if less than 3 proposals are submitted and would require the board to select the lowest bidder.

Ch. 593 (SB 1926) Rosenthal. Energy resources conservation biennial report.

Under existing law, the State Energy Resources Conservation and Development Commission is required to prepare and submit to the Governor and the Legislature a biennial report on emerging energy conservation trends and other matters.

This bill would require, as part of that report, the commission to develop and update, in consultation with specified parties, an inventory of current and potential cost-effective opportunities in each utility's service area to improve efficiencies and to help utilities manage loads in all sectors of natural gas and electricity use, including specified information.

The bill would require the commission to convene a technical advisory group to help with the preparation of the inventory. The bill would require privately owned electric and gas utilities to provide financial support, gather data, and provide analysis for activities that the technical advisory group recommends. The bill would terminate the technical advisory group on January 1, 1993.

The bill would appropriate $100,000 from the Energy Resources Programs Account in the General Fund to the commission for the purposes of the bill, except for support of the technical advisory group.

Ch. 594 (SB 1953) McCorquodale. Ocean ranching.

(1) Existing law, until January 1, 1991, provides for a pilot ocean ranching operation for the purpose of capturing, rearing, and releasing anadromous fish in the waters of Davenport Landing Creek under a permit from the commission.

This bill would extend the termination date of these provisions to January 1, 1996.

Because the bill would extend the permit program, for which fees are charged and the revenues therefrom are deposited in the Fish and Game Preservation Fund, a continuously appropriated fund, the bill would make an appropriation.

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

Because the bill would extend the permit program, violations of which are crimes, the bill would create crimes in the extended period, thereby imposing a state-mandated local program.

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

Ch. 595 (SB 2025) Boatwright. County employee retirement: reciprocal benefits.

(1) The County Employees Retirement Law of 1937 prescribes reciprocal benefits for retirement system members whose period of employment between public agencies does not exceed specified periods.

This bill would, in the case of any member laid off due to a lack of work, a lack of funds, or a reduction in force and reemployed on and after January 1, 1989, make the period not to exceed one year in counties in which the board of supervisors makes the provision applicable. This new authorization would impose state-reimbursable, state-mandated local negotiating costs since its exercise would be subject to negotiation under existing law relating to local public employer-employee relations.

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

This bill would provide that, if the Commission on State Mandates determines that this

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bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 596 (SB 2072) Royce. Education: public school employees.

Existing law requires the governing boards of school districts to employ persons in public school service requiring certification qualifications, as prescribed. Existing law prohibits a governing board from employing or retaining in employment persons who have been convicted of any sex offense or any controlled substance offense, as defined.

This bill would also prohibit a school district governing board from employing or retaining in employment any person who has been convicted following a plea of nolo contendere to any sex offense, as defined.

Existing law provides that the meaning of the term "conviction," for the purpose of specified statutes, consists of a plea or verdict of guilty or finding of guilt by a court in a trial without a jury.

This bill would add to the meaning of the term "conviction," in certain cases, a conviction following a plea of nolo contendere.

Existing law provides for a system of classified employees to be employed by school districts and requires that no person shall be employed or retained in employment who has been convicted of any sex offense, as specified.

This bill would provide that a plea or verdict of guilty, or a finding of guilt by a court in a trial without a jury, or a conviction following a plea of nolo contendere shall be considered a conviction for purposes of that statute, as specified.

Ch. 597 (SB 2121) Davis. State Public Defender: deputies and employees.

Existing law requires all civil service examinations for attorney positions in the State Public Defender's office to be on an open basis without career civil service credits given to any person.

This bill would delete that provision.

Ch. 598 (SB 2122) Davis. Courts: Los Angeles County.

(1) Existing law specifies the number, compensation, and classification of superior court personnel in Los Angeles County.

This bill would revise the number, compensation, and classification of superior court personnel in Los Angeles County, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program.

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

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

Ch. 599 (SB 2130) Doolittle. Civil procedure: commercial paper.

Existing law creates a cause of action for treble the amount, except as specified, for failure to pay upon a dishonored check, in cash, within 30 days of written demand therefor mailed to the maker by certified mail. In the case of a check dishonored pursuant to a stop payment order, a court may not award damages or costs unless it receives into evidence a signed certified mail receipt showing delivery of the demand notice

This bill would revise the provision regarding receipt into evidence of a signed certified mail delivery receipt for the demand notice on a stop payment check to include a signed receipt showing attempted delivery, if delivery is refused.

Ch. 600 (SB 2153) Marks. Courts: San Francisco.

(1) Existing law specifies the number, classification, and compensation of superior and municipal court personnel in San Francisco.

This bill would revise the number, classification, and compensation of superior and municipal court personnel in San Francisco, thereby imposing a state-mandated local

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program by requiring a higher level of service under an existing program.

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

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

Ch. 601 (SB 2177) Alquist. Taxation: water's-edge election: refunds of fees.

The existing Bank and Corporation Tax Law allows, beginning January 1, 1988, a qualified taxpayer, as defined, whose income is subject to the tax imposed by that law to determine its income derived from, or attributable to, sources within this state pursuant to a water's-edge election which requires, among other things, a payment of an annual amount by the taxpayer to the Franchise Tax Board for deposit into the California Unitary Fund.

This bill would provide that, in the event of a final appellate level determination by a California or federal court that the application of the worldwide combined reporting method or the requirement of the payment of the annual amounts pursuant to the water's-edge election is unconstitutional, the amounts paid pursuant to the water's-edge election shall be refunded, as specified, from the California Unitary Fund, which amounts the bill would appropriate to the Franchise Tax Board for that purpose. It would further provide that if there are insufficient funds in the California Unitary Fund, the balance of refunds would be made from the General Fund, which amounts the bill would appropriate to the Franchise Tax Board for that purpose

This bill would make technical changes to the existing water's-edge election provisions and would provide that those provisions would be operative for audits of income years beginning on or after January 1, 1988, as specified.

Ch. 602 (SB 2215) Robbins. Vehicles: financial responsibility.

(1) Existing law requires every driver and every owner of a motor vehicle to maintain in force at all times one of various specified forms of financial responsibility. The driver of a motor vehicle involved in an accident resulting in property damage in excess of $500 or bodily injury or death is required to report the accident to the Department of Motor Vehicles and establish, to the satisfaction of the department, proof of financial responsibility. The driver's proof of financial responsibility may be established by, among other things, filing with the department satisfactory evidence that the owner of the motor vehicle had an automobile liability policy with respect to the driver. The department is required to suspend the driving privilege of a driver involved in a reportable accident who fails to prove the existence of financial responsibility. The department is also required to verify evidence of a driver's financial responsibility in other specified instances.

This bill would require the owner of an insured vehicle, upon request, to furnish insurance information to a person who, while operating the vehicle with the owner's permission, is involved in a reportable accident, or to the department whenever the department is required to establish whether the permissive driver meets the financial responsibility requirements. Because a violation of the bill's provisions would be an infraction, the bill would impose a state-mandated local program.

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

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

Ch. 603 (SB 2223) Watson. Education.

Existing law requires governing boards of school districts to establish policies and procedures to hear and resolve complaints of parents or guardians of pupils regarding employees of the school district.

This bill would require the Superintendent of Public Instruction to conduct a compliance review of at least 6 school districts in Los Angeles County in regard to that require-

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ment. It would require the superintendent to report the findings of the compliance review to the education policy committees of the Legislature.

The bill would prohibit the superintendent from using his or her administrative authority under certain provisions of existing law to credit to a school district average daily attendance in cases of extraordinary circumstances causing material decreases in average daily attendance if the material decrease in average daily attendance is related to noncompliance with the requirement that school district governing boards must establish policies and procedures to hear and resolve complaints of parents and guardians regarding employees of the district.

Ch. 604 (SB 2229) Craven. District agricultural associations: powers: 22nd District Agricultural Association: joint powers agreements.

(1) Existing law provides for the organization of district agricultural associations with specified powers and duties.

This bill would permit an association to pledge any and all of its revenues, moneys, accounts, accounts receivable, contract rights, and other rights pursuant to terms and conditions approved by its board of directors.

(2) Under existing law, the 22nd District Agricultural Association is authorized to expend up to $250,000 annually for the operation of a fair, as prescribed, from the money received by the district from a lease of district property for horseracing purposes and is authorized to expend any money received over that amount in furtherance of the master plan for the long-range development and improvement of the property of the district.

This bill would increase that maximum amount to $500,000, which would make an appropriation of the amount that the district may expend for those fair purposes.

(3) Existing law provides for the creation and composition of the State Race Track Leasing Commission and authorizes the commission to lease the Del Mar Race Track and other property owned or controlled by the 22nd District Agricultural Association.

This bill would authorize the commission to enter into a joint powers agreement with the 22nd District Agricultural Association, and would authorize the entity created pursuant to the joint powers agreement to exercise the powers of a district agricultural association.

Ch. 605 (SB 2245) Davis. Privileged communications: psychotherapist and patient.

Under existing law, a confidential communication between a patient and psychotherapist is privileged, and the patient generally may refuse to permit the disclosure of that communication. For the purpose of this provision, existing law includes a person licensed as a marriage, family, and child counselor within the definition of a psychotherapist.

This bill also would include the relationship between a patient and a marriage, family, and child counseling corporation, as well as between those patients and psychotherapists employed by those corporations, in the definition of the relationship of a psychotherapist and patient.

The California Constitution requires that statutes which have the effect of excluding relevant evidence in criminal proceedings must be enacted by a ⅔ vote of the membership in each house of the Legislature

Ch. 606 (SB 2266) Morgan. Child health: immunizations.

Under existing law, the State Department of Health Services administers the Child Health and Disability Prevention Program and the governing body of each county is required to establish a community child health and disability prevention program for the purpose of providing early and periodic assessments of the health status of children in the county. The program includes health screening and evaluation services, including, for all children eligible for Medi-Cal, immunizations appropriate for their age and health history.

This bill would enact the California Full Immunization Act and would make legislative findings and declarations regarding immunizations to protect children against dangerous preventable diseases.

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This bill would require the department, on or before March 15, 1991, and on or before March 15 of each year thereafter, to submit a prescribed report to the Legislature regarding immunizations of children.

Ch. 607 (SB 2311) Bergeson. Department of Motor Vehicles.

Under existing law, the Department of Motor Vehicles issues and renews drivers' licenses and also issues and renews identification cards in lieu of drivers' licenses.

This bill would permit the department to issue an identification card to a person who surrenders his or her driver's license because the person has a physical or mental condition. The card would be valid for the remaining term of the surrendered license without the payment of any additional fee.

The bill would permit the department to issue an identification card in lieu of a driver's license to an applicant who has paid the fee for a driver's license, if it is determined that a driver's license cannot be issued due to the applicant's physical or mental condition.

Ch. 608 (SB 2377) Presley. Child day care facilities.

Existing law establishes the various categories of child day care facilities which are licensed and regulated by the State Department of Social Services.

This bill would require the Director of Social Services to establish the Child Care Review Panel in at least one of the 15 regional districts in the state, with specified membership and tenure, which where established would be required to provide objective review on cited violations of specified regulations affecting child day care facilities and would specify the procedures for the panel to conduct these reviews. The panel would be required to make findings on the disputed issues and make recommendations to the Deputy Director of Social Services on the violations or civil penalties at issue.

The bill would require the department to report to specified committees of the Legislature on or before December 31, 1993, regarding the ability of the panel to reduce administrative time and costs associated with disputes regarding violations of child day care facility licensing regulations and to resolve the disputes in a just and timely fashion.

The bill would make its provisions inoperative on June 30, 1994, and would repeal them on January 1, 1995.

Ch. 609 (AB 535) Wyman. Courts: Kern County.

(1) Existing law provides for the superior court in Kern County.

This bill would require sessions of the superior court to be held in the Indian Wells Valley area of northeast Kern County at such times as may be prescribed by the judges. The bill would impose a state-mandated local program by requiring a higher level of service under an existing program.

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

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 610 (AB 2700) Roybal-Allard. Family law custody of children.

Existing law provides procedures for the court to award custody of a minor child or children of a marriage and allows the court and the family the widest discretion to choose a parenting plan which is in the best interests of the child or children. Existing law specifies the factors that a court is required to consider in determining the best interest of the child, including any history of abuse against the child, as defined.

This bill would specify that in making such a determination the court is required to consider any history of abuse by one parent against the child, and would also require the court to consider any history of abuse by one parent against the other parent, as

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defined.

Under existing law, a court may enter an ex parte temporary custody order in the absence of an agreement, understanding, or stipulation regarding the temporary custody of a minor child or children. Existing law requires the court to refrain from making an ex parte order granting or modifying a custody order unless there has been a showing of immediate harm to the child or immediate risk that the child will be removed from the state.

This bill would provide that "immediate harm to the child" includes having a parent who has committed acts of domestic violence, as defined, where the court determines that the acts of domestic violence are of recent origin, or are a part of a demonstrated and continuing pattern of domestic violence.

Ch. 611 (AB 3586) Mountjoy. Absent voter ballots.

Existing law provides that the processing and counting of voted absent voter ballots shall be according to the legal requirements applicable to the election for which they are cast, and requires that the count of those ballots be open to the public.

This bill would impose a state-mandated local program by requiring that both the processing and the counting of absent voter ballots shall be open to the public, both prior to, and after the election, and by requiring the county clerk to notify absentee voter observers, as specified, and the public at least 48 hours in advance of the dates, times, and places where absentee ballots will be opened, processed, and counted.

This bill would provide that the specified absentee voter observers may observe and challenge the manner in which the absent voter ballots are processed, from the opening through the counting and disposition of the ballots.

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

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch 612 (AB 3612) Frizzelle. Alcoholic beverages: notification of application for license.

(1) Under existing law, an applicant for a license to sell alcoholic beverages is required to mail a notification of the application to every resident of real property within a 500-foot radius of the premises for which the license is to be issued.

This bill would restrict this provision to an application for a retail license at a premises which is not currently licensed or for a different retail license.

(2) Existing law permits protests to be filed at any office of the Department of Alcoholic Beverage Control at any time within 30 days from the first date a notice of intention is posted to engage in the sale of alcoholic beverages at a premises.

This bill would permit protests to be filed within 30 days of the mailing of the notification to residents of real property within a 500-foot radius of the premises, if that date is later.

Ch. 613 (SB 1885) Davis Santa Monica Mountains Conservancy.

(1) Under the Santa Monica Mountains Conservancy Act, the Santa Monica Mountains Conservancy Advisory Committee is composed of 14 members.

This bill would add 2 members to the advisory committee, one to be jointly appointed by the City Councils of the Cities of Agoura Hills and Westlake Village, and one to be appointed by the Santa Clarita City Council, thereby imposing a state-mandated local program.

The bill would specify requirements as to the ethnic and racial composition of the advisory committee

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

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school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

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

Ch. 614 (SB 2236) Garamendi. American River flood control.

(1) Under existing law, the American River Flood Control District is created within prescribed boundaries.

This bill would additionally incorporate within the boundaries of the district parcels which comprise State Maintenance Area 10 and State Maintenance Area 11, as established by the Reclamation Board, as specified, thereby imposing a state-mandated local program. The bill would dissolve those maintenance areas only upon the happening of specified events

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

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

Ch. 615 (SB 2518) Craven. Mobilehomes: seismic safety study.

(1) This bill would express certain findings and declarations of the Legislature with regard to the seismic safety of mobilehomes.

(2) The bill would require the Department of Housing and Community Development to report to the Legislature, on or before April 1, 1991, on specified issues relating to the seismic safety of mobilehomes.

(3) The bill would appropriate $25,000 from the Mobilehome Parks Revolving Fund to the Department of Housing and Community Development for the purposes of the report.

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

Ch. 616 (SB 2574) Robbins. Corporations: acquisitions.

Existing law requires the principal terms of a share exchange tender offer to be approved by the outstanding shares of each class of the corporation making the tender offer or whose shares are to be used in the tender offer, except as specified.

This bill would require a share exchange tender offer to be approved by the board of the acquiring corporation.

Ch. 617 (SB 2534) B. Greene. Occupational safety and health: reports.

Existing law requires every employer to file a complete report of every occupational injury or occupational illness to each employee which results in lost time beyond the date of the injury or illness, or which requires medical treatment beyond first aid, with the Department of Industrial Relations, through its Division of Labor Statistics and Research or, if an insured employer, with the insurer.

This bill would require the employer, where the employee subsequently dies as a result of the reported injury or illness, to file an amended report to the appropriate entity within 5 days after the employer is notified or learns of the death.

Ch. 618 (SB 2535) B. Greene. Occupational safety and health: evaluation and report: duration of section.

Existing law provides for civil penalties for violation by employers of permit requirements of the Division of Occupational Safety and Health, and requires the collection and evaluation of data regarding the effect of the permit requirements and penalties on the occupational safety and health of employees. The data is to be provided to the Legislative Analyst by October 1, 1989, and the Legislative Analyst is to report on the findings in the 1990–91 Analysis of the Budget Bill. Under existing law, these provisions would be in effect until January 1, 1991.

This bill would instead require data to be supplied to the Legislative Analyst by October 1, 1994, and the findings to be reported in the 1995–96 Analysis of the Budget

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Bill. The bill would extend the effective date of these provisions until January 1, 1996.

Ch. 619 (SB 2549) Keene. County jail bond funds.

Existing law contains the County Correctional Facility Capital Expenditure Bond Act of 1986 and the County Correctional Facility Capital Expenditure and Youth Facility Bond Act of 1988 providing funding for specified, qualified county correctional facilities. Existing law allocates moneys in the 1988 bond act in accordance with a specific statutory procedure including applicable deadlines.

This bill would allow money in each of the funds created by those bond acts to be used on the same project so long as the project is consistent with the purposes of each act and is subject to certain related statutory requirements and restrictions The bill states that the deadlines established by the Legislature for funding under the 1988 bond act shall be applicable to the joint use of funds under this bill.

Ch. 620 (SB 2582) Hart. Student financial aid programs

(1) Under existing law, the Student Aid Commission administers various student financial aid programs. Existing law also requires the commission to consider specified factors in determining the financial need of an applicant for financial aid.

This bill would repeal the requirement that the commission consider specified factors in the need determination process and, instead, enact a provision requiring that the methodology set forth in federal law or regulation shall serve as the formula for determining the expected family contribution of students seeking any state-funded financial assistance, except as specified. These changes would constitute a state-mandated local program with respect to community college districts.

(2) The bill would state the intent of the Legislature concerning income verification by the commission.

(3) The bill would require the Student Aid Commission, in consultation with specified entities, to make recommendations on the simplification of the financial aid application process. The bill would require the task force to report its findings and recommendations to the appropriate policy committees of the Legislature by July 1, 1991

(4) Existing law establishes the Cal Grant Program awards to provide financial assistance to students and specifies that the awards may only be used for the expenses of coursework leading directly to an undergraduate degree or certificate.

This bill would, instead, restrict the awards to educational expenses of a program of study leading directly to an undergraduate degree or certificate, except with respect to a program for teacher preparation, as specified.

(5) Existing law provides for a state program of fellowships for graduate study.

This bill would repeal these provisions and, instead, enact the State Graduate Fellowship Program, with specified purposes and selection criteria.

(6) The bill would apply to the University of California only to the extent that the Regents of the University of California make those provisions applicable.

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

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 621 (SB 2675) Marks. Courts. vexatious litigants.

(1) Existing law authorizes a court in any litigation, upon motion of the defendant, to require the plaintiff to furnish security, as specified, upon a showing that the plaintiff is a vexatious litigant and has no reasonable probability of prevailing

This bill would revise the definitions of plaintiff, defendant, litigation, and vexatious litigant for these purposes. The bill would also authorize a court, upon its own motion

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or that of a party, to enter a prefiling order which prohibits a vexatious litigant from filing any new litigation in the courts of this state in propria persona without obtaining leave of the presiding judge of the court where the litigation is proposed to be filed, as specified. The bill would also require the clerk of the court to provide the Judicial Council a copy of any prefiling orders issued pursuant to the bill, and would require the Judicial Council to maintain a record of vexatious litigants, as specified. The bill would impose a state-mandated local program by requiring new duties of clerks of trial courts.

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

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 622 (SB 2720) Watson. Psychology.

Existing law, the Psychology Licensing Law, is administered by the Board of Psychology of the Medical Board of California.

This bill would make certain technical and corrective changes in that law with respect to terminology, as specified.

Existing law requires the Board of Psychology to direct the Division of Allied Health Professions of the Medical Board of California to perform certain functions with respect to licensees of other states and the issuance of licenses.

This bill would instead require the board to perform those functions, as specified.

Existing law requires the amount of application, examination, and other fees to be determined by the board, subject to review and approval of the Medical Board of California.

This bill would remove that review and approval requirement. It would also increase the biennial renewal fee for a psychologist, as specified. The amount of this fee increase would be deposited to the credit of the Psychology Fund which is continuously appropriated.

This bill would also make conforming changes with respect to the persons who may be shareholders, officers, directors, and employees, as specified, of a psychological corporation.

Ch. 623 (SB 2745) Boatwright. Industrial loan companies.

Existing law prohibits an industrial loan company from advertising or representing that it is a bank or savings association.

This bill would provide that the term "investment and loan" means an industrial loan company, and requires, if applicable, the use of that term as a part of the company name.

Ch. 624 (SB 2752) Robbins. Insurance: policy renewal.

Existing law provides that if an insurer fails to provide to a named insured either an offer of renewal or a notice of nonrenewal, as specified, the existing policy, with no change in its terms and conditions shall remain in effect for 20 days from the date that either the offer to renew or the notice of nonrenewal is delivered or mailed to the named insured.

This bill would specify that the policy shall remain in effect for 30 days under the above conditions.

Ch. 625 (SB 2775) Torres. State Historical Building Code.

Under the existing State Historical Building Code, the State Historical Building Code Board is required, until January 1, 1991, to adopt and submit alternative building standards for approval, as specified, for the repair, alteration, and additions necessary for the preservation, restoration, rehabilitation, moving, or continued use of a historical building or structure, as defined. Existing law requires state and local agencies, until January

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1, 1991, to enforce these provisions in permitting the repair, alteration, and additions necessary for the preservation, restoration, rehabilitation, moving, or continued use of a historical building or structure. Existing law, effective January 1, 1991, would make the application and enforcement of that code permissible.

This bill would delete the date of repeal of these mandatory application and enforcement provisions of the code. By requiring local agencies to continue to enforce the State Historical Building Standards Code within their respective jurisdictions, the bill would impose a state-mandated local program.

The bill would also rename the State Historical Building Code Board the State Historical Building Safety Board.

The bill would also repeal those existing provisions of law which are to become effective January 1, 1991.

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

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 626 (SB 2795) Marks. Political Reform Act of 1974: primarily formed committee.

The Political Reform Act of 1974 imposes specified requirements with respect to a committee, as defined, and additional or other specified requirements with respect to a primarily formed committee, as defined.

This bill would amend the Political Reform Act of 1974 by expanding the definition of a primarily formed committee to include a committee which is formed or exists primarily to support or oppose 2 or more measures being voted upon in the same city or county election. By subjecting the broader category of committees to the requirements of the act, the failure of which would result in criminal sanctions, this bill would impose a state-mandated local program.

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

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

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes with a ⅔ vote of each house and compliance with specified procedural requirements

This bill, which would declare that it furthers the purposes of the act, would require a ⅔ vote.

Ch. 627 (SB 2829) Kopp. Transportation and highways. planning programming: funding.

(1) Existing law prescribes the procedures for the planning, programming, and funding of transportation projects

This bill would make clarifying and conforming changes in those statutory procedures, and would make procedural changes with respect to applications and funding for the state-local transportation partnership program The bill would revise the amounts which the Legislature has declared it intends to appropriate for the program.

(2) Under existing law, when the Department of Transportation sells real property or an interest therein acquired for a state highway route location which was rescinded at the request of a city or county, the proceeds from the sale are required to be allocated by the California Transportation Commission to fund an alternative state highway project proposed by the city or county. The amounts expended for the alternative state highway project within the same county are not subject to the requirement that highway

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funds be expended in accordance with so-called county minimum and north-south split allocation formulas, if the route location was rescinded between January 1, 1983, and December 31, 1985.

This bill would exempt the expenditure of funds for an alternative state highway project from those allocation formulas, regardless of the date of the rescission.

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

Ch. 628 (SB 2865) Petris. Health facility financing.

Existing law, the California Health Facilities Financing Authority Act, empowers the California Health Facilities Financing Authority to finance projects of health facilities, as defined, which are operated by a city, city and county, county, a district hospital, or a private, nonprofit corporation or association. The act continuously appropriates funds in the California Health Facilities Financing Authority Fund to the authority to carry out the purposes of the act. The act also authorizes the authority to issue its negotiable revenue bonds in order to provide funds to achieve any of its purposes under the act.

Existing law authorizes the authority to make specified grants in aid to any small or rural hospital, as defined, and requires the authority to establish a pilot program to finance loans to small and rural hospitals, as defined, to finance physical plant and equipment capital expenditures necessary to satisfy regulatory requirements imposed by state agencies, as specified.

This bill would authorize the authority, if a health facility seeking financing for a project does not meet the guidelines established by the authority with respect to bond rating, to nonetheless give special consideration, on a case-by-case basis, to financing the project if the health facility demonstrates to the satisfaction of the authority the financial feasibility of the project and the performance of significant community service, as defined. This bill also would provide for the enforcement of the conditions under which the authority issues those bonds.

This bill would require the authority, on or before January 1, 1992, to report to the Legislature regarding the implementation of the above financing option, as prescribed.

Ch. 629 (SB 2885) Boatwright. Pinole Valley Park: conversion.

Under existing law, various grants for park and recreation purposes have been authorized to local agencies.

This bill would authorize the City of Pinole to convert for use as a fire station a portion of the Sobrante Ridge Park, known as Pinole Valley Park, which received state funding, as specified, if the city mitigates the loss of existing parkland, as prescribed, subject to the approval of the Department of Parks and Recreation.

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

Ch 630 (SB 2586) Roberti. Rape.

Existing law describes the crime of rape as an act of sexual intercourse accomplished with a person, not the spouse of the perpetrator, where it is committed under specified circumstances, including where it is accomplished against a person's will by means of force, violence, or fear of immediate and unlawful bodily injury on the person or another.

This bill, in addition, would include within those provisions rape which is accomplished against a person's will by means of duress or menace, as defined. To the extent that this would have the effect of expanding the scope of an existing crime, the bill would impose a state-mandated local program

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

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

Ch. 631 (SB 2656) Vuich. Fairs: loitering.

Existing law proscribes various specific conduct which constitutes loitering or trespassing.

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This bill would make it a misdemeanor for any person to remain in or upon any state, county, district, or citrus fruit fair buildings or grounds, when the buildings or grounds are not open to the general public, after having been ordered or directed by a peace officer or fair manager to leave the building or grounds, and when the order or direction to leave is issued after determination that the person has no apparent lawful business or other legitimate reason for remaining on the property, and fails to identify himself or herself and account for his or her presence.

Because the bill would create a new crime, it would impose a state-mandated local program.

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

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

Ch. 632 (AB 125) Floyd. Criminal procedure.

Under existing law, a person who is unable to employ counsel to represent him or her in a criminal trial, proceeding, or appeal is assigned counsel, as specified. Existing law provides that in Los Angeles and Orange Counties, the court shall assign the public defender, responsible attorneys with whom the county has contracted, or private counsel, in that order, unless there is a finding of good cause.

This bill would provide that notwithstanding these provisions, as to all counties, where an indigent defendant first charged in one county has established an attorney-client relationship with the public defender, defense services contract attorney, or private attorney, and the defendant is subsequently charged with an offense in another county, the court in the subsequent county may appoint the same counsel as was appointed in the first county when specified conditions are met.

Existing law provides that criminal pleas may be oral or in writing

This bill would require a change in plea from guilty to not guilty to be in writing.

Existing law generally provides for the conduct of criminal proceedings in the court in which the complaint is pending.

This bill would authorize a defendant to plead guilty or nolo contendere in a county other than where the complaint is pending.

Existing law provides that every person who solicits or accepts any fee, money, or anything of value for representing a petitioner in any proceeding undertaken pursuant to provisions regulating the granting of reprieves, pardons, and commutations of sentence, is guilty of a misdemeanor.

This bill would except from this provision an individual who is licensed to practice law in the State of California.

Ch. 633 (AB 530) Peace. State school facilities funding: local matching share.

Under existing law, any school district applying for state funding of a school facilities construction project under the Leroy F. Greene State School Building Lease-Purchase Law of 1976 is required to comply with a matching share requirement for the building cost portion of the project. Existing law also specifies that, where part or all of that matching share is funded from the proceeds of a special tax or other charge, the applicant district shall not be required to pay that amount of the matching share until those proceeds become available to the district.

This bill would revise the provision relating to the payment of the matching share from the proceeds of a special tax or other charge by deleting an erroneous cross-reference. The bill would specify that this revision would not become operative under designated circumstances.

Existing law grants the authority to school district governing boards to impose, against a development project, as defined, certain fees or other requirements for purposes of school construction or reconstruction, subject to specified limits, as a condition to the issuance of a building permit to that development project. Existing law also requires, in the case of a fee or other requirement to be imposed against any commercial or industrial development, that the school district conduct a study to determine the impact on

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school facilities costs of any employee increase resulting from that development, using employee generation estimates based on commercial and industrial factors within the district.

This bill would authorize the school district to use, for that purpose, applicable employee generation estimates set forth in the January 1990 edition of a designated report of the San Diego Association of Governments.

This bill would also make a technical, nonsubstantive revision to existing law.

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

Ch. 634 (AB 1720) Hayden. Police corps scholarship program.

Existing law provides for the establishment of the Student Aid Commission and prescribes the powers and duties of the commission relative to the administration of state and federal postsecondary education financial aid programs Existing law also provides for the establishment of the Commission on Peace Officer Standards and Training within the Department of Justice and prescribes the powers and duties of the commission relating to training and education programs for peace officers.

This bill would include legislative findings and declarations and would require the Office of Criminal Justice Planning, after conferring with specified persons and entities, to study the police corps scholarship concept and determine what steps need to be taken to receive federal funding which may be available for a police corps scholarship program and other programs which may serve as alternatives for increasing law enforcement staffing levels. The bill also would require the office to report its findings to the Governor and to the Legislature by January 1, 1992

Ch. 635 (AB 2670) La Follette. Freeways. signs: postsecondary education institutions.

Under existing law, the Department of Transportation places and maintains directional signs on state highways, including freeways.

This bill would require the department to erect freeway signs indicating the location of any private or public postsecondary educational institution, having a stated enrollment and located within a specified distance of the freeway, if requested by the institution and private donations covering those costs are received.

The bill would also require the department to erect new signs for any institution described above which has moved, as specified, on or after January 1, 1980, at no cost to the institution

Ch. 636 (AB 2865) Burton. Transcript.

Under existing law, in a civil action or proceeding at the request of either party, and in a criminal action or proceeding, on the order of the court, the district attorney, or the defendant's attorney, specified matters in the action or proceeding are required to be taken down by the official reporter in superior court in shorthand, and if directed by the court, or requested by either party, the official reporter shall within a reasonable time after the trial of the case, as the court may designate, write out the same in longhand or by printing machine and certify the same as being correctly reported and transcribed.

This bill would require the official reporter, upon the conviction of a defendant of a felony following a trial in superior court, to immediately commence preparation of an original transcript unless the court determines, based on standards and rules adopted by the Judicial Council, that it is unlikely that an appeal from the decision will be made.

To the extent that local government would be required to pay the added costs incurred by the reporter's required preparation of the transcripts in additional felony cases, the bill would constitute a state-mandated local program.

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

This bill would provide that no reimbursement is required by the bill as to those option

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counties which opted into the Brown-Presley Trial Court Funding Act.

However, as to counties which are not option counties under that act, the bill provides that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 637 (AB 2880) Areias. Negotiable instruments: identification.

Existing law does not specifically prohibit a person accepting a negotiable instrument as payment in full or in part for goods or services from requiring the person paying with a negotiable instrument to use a credit card as a form of identification.

This bill would specifically prohibit a person accepting a negotiable instrument as payment in full or in part for goods or services from, among other things, requiring, as a condition of acceptance of the negotiable instrument, or causing the person paying with a negotiable instrument to provide a credit card, as defined, as a means of identification, or for any other purpose. The bill would provide that any person who intentionally violates this prohibition is subject to a civil penalty not to exceed $250 for a first violation, and to a civil penalty not to exceed $1,000 for a second or subsequent violation, to be assessed and collected in a civil action brought by the person paying with a negotiable instrument, or by the Attorney General, or by the district attorney or city attorney of the county or city in which the violation occurred, as specified, and that a violation may be enjoined, as specified The bill would provide, however, that this prohibition does not prohibit any person from, among other things, requiring reasonable forms of identification, other than a credit card, as a condition of the acceptance of a negotiable instrument.

Ch. 638 (AB 2891) Moore. Insurance: FAIR Plan.

Existing law requires insurers writing basic property insurance to establish the California FAIR Plan Association, to formulate and administer a program for the equitable apportionment of basic property insurance to persons who after diligent effort are unable to procure that insurance through normal channels.

This bill would require the insurer member to provide applicants who are denied coverage a statewide toll-free "800" number for the purpose of obtaining information and assistance in obtaining basic property insurance, and the association to establish and maintain that statewide toll-free "800" number in order to assist persons applying for and obtaining basic property insurance, as specified.

The bill would also require every insurance agent or broker transacting basic property insurance to either assist persons in making application for insurance through the plan or to provide persons who desire that insurance with the toll-free number.

Ch. 639 (AB 3280) Tanner. Video game software: alcohol and tobacco.

Existing law prohibits selling or giving away tobacco products to a minor. Existing law also prohibits the distribution of harmful matter, which appeals to the prurient interest and depicts sexual conduct in a patently offensive way, to a minor.

This bill would prohibit the sale, lease, rental, provision, or offer of any video game intended primarily for use by any person under the age of 18 years which contains any paid commercial advertisement of alcoholic beverage or tobacco product containers or other forms of consumer packaging, as specified. A violation of these provisions would be a misdemeanor, thereby imposing a state-mandated local program.

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

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

Ch. 640 (AB 3267) Lancaster. PERS: state safety members.

The Public Employees' Retirement Law defines "state safety member" in terms of employees employed by specified state departments in specified job classifications and provides higher retirement benefit formulas and higher employer and employee contri-

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bution rates for state safety members than for state miscellaneous members.

This bill would add additional classifications of correctional facility employees within the state safety membership category. The inclusion of additional employees in the state safety member category would increase the amount of the state's continuously appropriated monthly contributions, which would constitute a General Fund appropriation.

Ch. 641 (AB 3276) Bronzan Prescription drugs: adverse reactions with other drugs.

Existing law requires a pharmacist to inform a patient orally or in writing of the harmful effects of a drug dispensed by prescription if the drug poses substantial risk to the person if the drug is taken in combination with alcohol. Existing law excepts from the above requirement patients registered for treatment, or emergency cases under treatment, in specified health facilities.

This bill would require a pharmacist to provide a label or enclosure with the drug container whenever a prescribed drug has not previously been dispensed to the patient, or whenever the prescribed drug has been dispensed in a different dosage, form, strength, or with different written directions, as specified.

This bill would also delete the exemption from the above notice requirements with respect to drugs furnished to patients registered for treatment or emergency cases under treatment in an immediate care facility/developmentally disabled habilitative.

A violation of the Pharmacy Act constitutes a misdemeanor. Since violation of these provisions would be a crime under existing provisions of law, this bill would impose a state-mandated local program.

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

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

Ch. 642 (AB 3312) Woodruff. School districts: name changes.

Existing law requires that whenever a petition is presented to the board of supervisors of a county, signed by at least 15 qualified electors of any school district, asking that the name of the district be changed, the board of supervisors shall designate a day upon which it will act upon the petition, as prescribed. Existing law requires the clerk of the board of supervisors to give notice to all parties interested by registered mail, as prescribed. Existing law requires the board of supervisors to conduct a hearing and, by resolution, to grant or deny the petition.

This bill would recast these provisions to establish an alternative procedure under which petitions to change the name of a school district would be considered by the governing board of the school district. This bill would require the governing board of the school district to give notice to all parties interested by publication in a newspaper published within the school district, or, if there is none, by publication in any newspaper published within the county. This bill would require that notice to be published at least twice before the day set for hearing. This bill would require the governing board to conduct a hearing on the name change and, by resolution, to either grant or deny the petition. This bill would require the governing board to notify the county superintendent of schools of the name change, if approved by the governing board. This bill would also require the board to certify the name change to the county clerk of each county in which any part of the school district is situated, and would additionally require the name change to be entered into the records of the governing board

This bill would impose a state-mandated local program by imposing new duties on school districts with respect to petitions to change the name of a school district.

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

This bill would provide that, if the Commission on State Mandates determines that this

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bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 643 (SB 2023) Hart. Terrorizing.

Existing law makes it a felony to explode, ignite, or attempt to explode or ignite, any destructive device or explosive, or to commit arson, in or about certain specified places, for the purpose of terrorizing another or in reckless disregard of terrorizing another, as defined.

This bill would also make it a felony to explode, ignite, or attempt to explode or ignite, any destructive device or explosive, or to commit arson, in or about a courthouse or the home or office of a judicial officer, as defined.

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

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

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

Ch. 644 (SB 2200) Nielsen. Geothermal resources: loans.

(1) Under existing law, geothermal revenues deposited in the Geothermal Resources Development Account in the General Fund are continuously appropriated for specified purposes. The Controller is required to disburse 40% of these geothermal revenues to the county of origin, and the State Energy Resources Conservation and Development Commission is authorized to expend 30% of these geothermal revenues to provide grants or loans to local jurisdictions, as defined, for specified purposes.

This bill would also authorize the commission to make loans to private entities engaged in the exploration and development of geothermal energy, subject to specified conditions, thereby making an appropriation. The bill would extend the maximum repayment period on loans from 6 to 20 years.

(2) Under existing law, the State Energy Resources Conservation and Development Commission is required to submit to the Legislature by April 1 of each year a list of projects relating to geothermal resources selected and prioritized by the commission.

This bill would require the commission to provide notification, as specified, for any unforeseen or urgent projects which the commission wishes to approve but which are not included in the April 1 budget list and would prohibit the commission from executing any funding agreement for any project until at least 30 days after that notification has been made.

(3) The bill would authorize the commission to expend up to $200,000 during the 1990–91 fiscal year from geothermal revenues to investigate the cause of steam decline at the Geysers and for direct technical assistance to local jurisdictions.

Ch. 645 (SB 2340) Kopp. Sale of mobilehomes in a mobilehome park.

Existing law authorizes the management of a mobilehome park to reject a purchaser of a mobilehome in the park as a park tenant for specified cause. Existing law requires notice of the rejection to be sent to the selling homeowner. Existing law requires an escrow, sale, or transfer agreement for a mobilehome located in a mobilehome park and which is to remain in the park after sale, to contain an executed rental agreement.

This bill would require the mobilehome park management, upon request of a prospective purchaser of a mobilehome, to specify information required in order to determine eligibility for tenancy in the park. The bill would require the management to notify the seller and prospective purchaser of acceptance or rejection of the prospective purchaser as a tenant in the park within 15 days and any reason for rejection. The bill would require the prospective purchaser to comply with any request for an interview by the park's management during that time. The bill would permit an escrow, sale, or transfer agreement for a mobilehome in a mobilehome park, which is intended to remain in the park after sale, to contain, in lieu of an executed rental agreement, a written statement signed by the mobilehome park management and the purchaser that the parties have agreed

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to the terms and conditions of a rental agreement.

Ch. 646 (SB 2380) Presley. Real estate appraisals.

Existing law, the Lancaster-Montoya Appraisal Act, establishes standards for certified appraisals, as defined, and certified appraisal reports, and imposes specified duties on appraisers in connection therewith.

This bill would require the Office of Real Estate Appraisers, which office would be created by AB 527, to conduct a study on the feasibility of requiring all persons who perform or issue appraisals to be licensed. The bill would also require the office to report to the Legislature the results of that study on or before January 1, 1992.

The act would be effective only if AB 527 is enacted and becomes effective on or before January 1, 1991.

Ch. 647 (SB 2404) Morgan. Highways: federal demonstration program.

(1) Under existing law, funds received by the state pursuant to federal-aid highway programs are administered in accordance with applicable federal laws and regulations. The Federal-Aid Highway Act of 1987 requires the Secretary of Transportation, in cooperation with 5 states, to conduct a combined road plan demonstration program to test the feasibility of approaches in combining, streamlining, and increasing the flexibility in administering various federal-aid highway and bridge programs.

This bill would enact the Federal-Aid Combined Road Plan Act for the purpose of implementing the federal demonstration plan in this state. The bill would require the Department of Transportation to establish and distribute guidelines to local representatives regarding the programming and management of combined road plan apportionments. The bill would create a statewide Combined Road Plan Advisory Committee, comprised, as specified, to assist and advise the department. The bill would impose a state-mandated local program by authorizing the department to delegate authority for the establishment of local area guidelines to county combined road plan committees. The bill would specify the applicability of existing statutory provisions to funds apportioned under the federal demonstration program. These provisions would be repealed if the federal combined road plan demonstration program is no longer in effect, as determined by the Director of Transportation.

(2) Existing law creates, and prescribes the functions of, the Federal-Aid Urban Systems Advisory Committee.

This bill would repeal those provisions.

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

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

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

Ch. 648 (SB 2406) Marks. District trustee areas: decennial federal census.

Existing law requires the governing board of each school district or community college district in which trustee areas have been established to adjust the boundaries of the trustee areas, after the results of each decennial census are released, so that the population of each area is, as nearly as may be, the same proportion of the total population of the district as the ratio that the number of governing board members elected from the area bears to the total number of members of the governing board. Existing law also requires that, after the results of each decennial census are released, the trustee area boundaries be adjusted so that the population of each area is, as nearly as may be, the same proportion of the total population of the district as each of the other areas.

This bill would permit the governing board of each school district or community college district in which trustee areas have been established to comply with one or both

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of the boundary adjustments described above.

Ch. 649 (SB 2420) Royce. Bureau of Collection and Investigative Services.

Existing law provides for the regulation of security guards and alarm company operators and alarm agents by the Bureau of Collection and Investigative Services.

This bill would provide that specified requirements relating to licensure by the bureau apply to a security guard registrant and an applicant for registration as a security guard and would require an applicant for an alarm company operator license or alarm agent registration to be at least 18 years of age.

Ch. 650 (SB 2423) Royce. Child abuse reporting law.

Existing law requires a child protective agency to report to the appropriate licensing agency every known or suspected instance of child abuse involving certain cared-for children, except certain acts of general neglect which shall only be reported to the county welfare department.

This bill would delete the exception, thereby requiring a child care protective agency to report to the appropriate licensing agency every known or suspected instance of child abuse, including general neglect, involving certain cared-for children.

Ch. 651 (SB 2467) C. Green. County retirement: reinstatement from service retirement.

The existing County Employees Retirement Law of 1937 does not contain general provisions for reinstatement from service retirement.

This bill would add to that act optional provisions providing for reinstatement of persons from retirement under specified conditions.

Ch. 652 (SB 2474) C. Green. County retirement boards' subpoena powers.

A provision of the County Employees Retirement Law of 1937 authorizes retirement boards to issue subpoenas and subpoenas duces tecum and requires them to be signed by the chairperson or secretary of the board or, if expressly authorized by board regulation, by any appointed referee.

This bill would authorize county retirement boards to also expressly authorize, by regulation, any administrator appointed, as specified, to sign subpoenas.

Ch. 653 (SB 2480) Rogers. Firearms: manufacture of assault weapons.

Existing law makes it a felony punishable by imprisonment in the state prison for 4, 6, or 8 years for any person, as defined, within this state, except as provided, to manufacture or cause to be manufactured, distribute, transport, or import into the state, keep for sale, or offer or expose for sale, or give or lend any assault weapon, as described. Existing law also makes it a public offense for any person, except as provided, to possess any assault weapon. Exempted from these provisions is the possession of assault weapons by, among others, persons who have been issued permits to possess them. The prohibited activities described above do not apply to the sale to, purchase by, or possession of assault weapons by the Department of Justice, police departments, sheriffs' offices, the Department of Corrections, the California Highway Patrol, the California State Police, district attorneys' offices, or the military or naval forces of this state or of the United States for use in the discharge of their official duties.

This bill would provide that these prohibited activities do not apply to the sale to, purchase by, or possession of assault weapons by marshals' offices, and would authorize the Department of Justice to issue permits to federally licensed manufacturers of firearms, as specified, to manufacture assault weapons for the sale to, purchase by, or possession of those weapons by those exempt entities specified in existing law, to entities and persons who have been issued permits to possess them, as specified, to entities outside the state who have a federal firearms license, as specified, to federal military and law enforcement agencies, to law enforcement and military agencies of other states, and to federally approved foreign governments and agencies.

This bill would also incorporate changes in Section 12280 of the Penal Code, proposed by SB 830, to be operative only if both bills are chaptered and this bill is chaptered last.

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Ch. 654 (SB 2488) Bergeson. Social services: disclosure of confidential information: county agencies.

Existing law provides that information and records obtained in the course of providing services, under specified provisions of the Welfare and Institutions Code regarding public social services, mental health services, and services for the disabled, shall be confidential. Exceptions to this confidentiality requirement are also specified.

This bill would add an additional exception that would allow agencies within a county which have staff designated as members of an established multidisciplinary team to share limited information regarding whether or not a client is receiving services from other county agencies. The bill would also allow area agencies on aging and other county agencies that provide services to older adults to share information for purposes of identifying and coordinating the treatment of individuals who receive services from more than one agency.

The bill would further require that the county patients' rights advocate report any negative consequences of this exception to confidentiality requirements to the local mental health director.

Ch. 655 (SB 2585) Marks. Political Reform Act of 1974: organization of committees.

The Political Reform Act of 1974 requires, among other things, that every committee, as defined, shall file a statement of organization containing specified information with the Secretary of State within 10 days after it has qualified as a committee.

This bill would amend the Political Reform Act of 1974 by providing that the committee's statement of organization shall include specified additional information if it is a controlled committee. It would also amend the act by amending and renumbering a specified section of the act. Since the failure to comply with the additional filing requirements under this bill would result in criminal sanctions, the bill would impose a state-mandated local program.

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

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

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes with a ⅔ vote of each house and compliance with specified procedural requirements.

This bill, which would declare that it furthers the purposes of the act, would therefore require a ⅔ vote.

Ch. 656 (SB 2599) Vuich. Municipal courts: Tulare County.

(1) Existing law provides for the number, compensation, and classification of municipal court personnel in Tulare County and establishes 3 municipal courts having a total of 5 judges, and authorizes the creation of 2 additional judgeships upon the adoption of specified resolutions by the board of supervisors. Existing law also provides for 3 marshals in that county.

This bill would repeal and reenact those provisions, revising the number and classification of municipal court personnel, adding 2 additional municipal court judges and 2 additional marshals, and consolidating existing municipal courts in Tulare County into the Tulare County Municipal Court District with 5 divisions, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program. The bill would also specify the status of these judgeships with respect to the Brown-Presley Trial Court Funding Act.

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

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

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Ch. 657 (SB 2339) Kopp. Deeds of trust and mortgages: default and reinstatement.

Under existing law, the exercise of a power of sale under a mortgage or deed of trust where there has been a default in the obligation secured thereby, is regulated by statute. Under existing law, the power of sale may be exercised only if, among other things, a prescribed notice of default has been given and a specified opportunity for reinstatement of the obligation afforded to the mortgagor or trustor. In Anderson v. Heart Federal Savings, 208 Cal. App. 3d 202, the court held that a trustor who tenders adequate payment to cure the defaults for which the amount in default is specified in the notice of default is entitled to reinstatement of the obligation.

This bill would permit a mortgagee or beneficiary under a trust deed to require the mortgagor or trustor to cure all defaults under the mortgage or trust deed of principal, interest, taxes, assessments, insurance premiums, or advances actually known by the beneficiary to be in default, as specified, and shown in the notice of default, plus all amounts in default on recurring obligations, as defined, not shown in the notice of default, as a condition to reinstating the secured obligation and avoiding a sale of the security property. The bill would make conforming changes in the required content of the notice of default. The bill would state the intent of the Legislature to supersede the above judicial decision, insofar as it restricts the ability of mortgagees and beneficiaries under a trust deed to require all defaults under a mortgage or trust deed to be cured as a condition to reinstatement of the secured obligation.

Ch. 658 (AB 3060) Hughes. PERS: school members: statutory maintenance.

(1) Existing law does not provide for the reduction of the workload of public school classified employees to part time while maintaining retirement contributions and service credit as if on a full-time basis.

This bill would authorize the governing board of a school district or community college district or a county superintendent of schools to establish regulations authorizing, under specified conditions, classified employees to reduce their workload from full time to part time and to receive the retirement credit that they would have received on a full-time basis, if specified contributions are paid as on a full-time basis to the Public Employees' Retirement System by the school member and the employer. This new authorization would impose state-reimbursable, state-mandated local negotiating costs since its exercise would be subject to negotiation under existing law relating to local public school employer-employee relations.

(2) A provision of the Public Employees' Retirement Law which will be repealed on September 29, 1993, and which would apply only to, and at the option of, a county superintendent of schools, authorizes school members who would soon retire within a specified period to receive additional service credit of up to 2 years, under specified conditions, if the county superintendent of schools determines that the best interests of the county superintendent of schools would be served thereby and transmits the actuarial equivalent amount of money to the Board of Administration.

This bill would make the operation of that provision contingent upon the conditions that the retirements are certified to either (a) result in a net savings to the district or county superintendent of schools or (b) result in an overall reduction in the work force of the organizational unit. This authorization would impose state-reimbursable, state-mandated local negotiating costs since its exercise would be subject to negotiation under existing law relating to local public school employer-employee relations.

(3) The existing law confers upon the Board of Administration administrative control over the PERS.

This bill would delete certain obsolete and superseded provisions relating to university employment and state patrol members. This bill would also make technical, corrective, clarifying, updating, and conforming changes in provisions relating to the definition of compensation, public service, retirement applications, membership, state peace officer/firefighter membership, industrial disability, and the Second Tier.

(4) Chapter 404 of the Statutes of 1989 authorizes school districts and community college districts to authorize their local policemen to elect to become subject to specified safety formulas.

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This bill would make implementing and related changes, including establishing within the category of local safety member, school safety members.

(5) The Public Employees' Medical and Hospital Care Act (the act) authorizes any annuitant whose allowance is not sufficient to pay his or her contributions for health benefits to retain coverage by paying the board, quarterly in advance, a complementary annuitant premium, i.e. the balance of the contributions plus the related administrative costs. The act also establishes the Public Employees' Annuitant Premium Account within the Public Employees' Contingency Reserve Fund, consisting of the supplemental annuitant premiums, the annuitant charges, and certain appropriations, which are continuously appropriated for payment to carriers and health benefits plans of complementary annuitant premiums

This bill would repeal the Public Employees' Annuitant Account, require those funds to be deposited directly in the Public Employees' Contingency Reserve Fund, continuously appropriate that fund for payment of administrative expenses, as well as the complementary annuitant premiums, authorize the Board of Administration to transfer the complementary annuitant premiums into the Public Employees' Retirement Fund, and make clarifying and other changes. These changes would constitute appropriations requiring a ⅔ vote

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

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

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

Ch. 659 (AB 3089) Frizzelle. Hazardous substances: Responsible parties and transportation of hazardous waste.

Existing law, the Carpenter-Presley-Tanner Hazardous Substance Account Act, establishes a program to provide for response authority for releases of hazardous substances, including spills and hazardous waste disposal sites that pose a threat to the public health or the environment. A responsible party is defined in the act to mean specified persons who are liable for costs relating to hazardous substance releases.

Existing law, with specified exceptions, prohibits any person from carrying on, or engaging in, the transportation of hazardous wastes, unless the person holds a valid registration issued by the State Department of Health Services and prohibits any person from transferring custody of a hazardous waste to a transporter who does not hold a valid registration issued by the department. Existing law prohibits any person from transporting hazardous waste in any truck, trailer, semitrailer, vacuum tank, or cargo tank not inspected by the California Highway Patrol or from transporting hazardous waste in any container other than a container packaged pursuant to specified regulations, which has not been inspected by the California Highway Patrol.

This bill would declare that any person authorized to collect solid waste who unknowingly transports hazardous waste to a solid waste facility, incidental to the collection of solid waste, shall not be considered a responsible party for purposes of the act solely because of the act of transporting the waste and would exempt that person from those specified prohibitions relating to the transportation of hazardous waste.

Ch 660 (AB 3153) Tanner. Air pollution: penalties.

Existing law requires the State Air Resources Board to adopt airborne toxic control measures to reduce emissions of toxic air contaminants from nonvehicular sources, and provides civil penalties for violation of any rule, regulation, emission limitation, or permit condition adopted pursuant thereto. Existing law also provides criminal and civil penalties for violations of law or of an order, permit, rule, or regulation of the state board or an air pollution control district or air quality management district relating to non-

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vehicular air pollution control.

This bill would provide that recovery of civil penalties for violations of those toxic air contaminant provisions precludes criminal prosecution.

Ch. 661 (AB 3550) N. Waters. Farm labor contractors: duties of licensee.

(1) Existing law requires every farm labor contractor licensed in the state to perform various functions and duties.

This bill would additionally require every licensee to register with the agricultural commissioner of the county or counties in which the labor contractor has contracted with a grower. This requirement would impose additional recordkeeping duties on counties thereby creating a state-mandated local program.

The bill would also require every licensee to carry his or her proof of registration with him or her at all times, and would permit the board of supervisors of a county to establish fees to be charged each licensee for the recovery of the actual costs incurred by commissioners in the administration of registrations and changes of address and the issuance of proofs of registration.

(2) Existing law requires every licensee to file a correct change of address immediately upon moving, with the United States Post Office and the office of the Labor Commissioner.

This bill would also require the licensee to file a correct change of address with the agricultural commissioner of the county or counties in which the licensee has contracted with a grower.

This bill, in addition, would permit an agricultural commissioner, in lieu of civil prosecution by the Director of Food and Agriculture, to levy a civil penalty against a person for violation of these provisions.

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

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

(4) This bill would incorporate additional changes in Section 12999.5 of the Food and Agricultural Code, proposed by AB 3719, to be operative only if AB 3719 and this bill are both chaptered and become effective January 1, 1991, and this bill is chaptered last.

Ch. 662 (AB 3613) Hughes. Psychotherapist-patient privilege.

Existing law establishes a privilege, as specified, which applies to communications between a psychotherapist, as defined, and his or her patient, but specifies that there is no privilege in any criminal proceeding with respect to certain persons exempt from the Psychology Licensing Law, a psychological intern, or a trainee, as specified.

Under the California Constitution, a law which excludes relevant evidence in a criminal proceeding may only be enacted upon a ⅔ vote of each house of the Legislature.

This bill would delete the provision which specifies that there is no psychotherapist-patient privilege in any criminal proceeding with respect to a person exempt from the Psychology Licensing Law, a psychological intern, or a trainee. The bill would also provide that the privilege applies, in the case of a person exempt from the Psychology Licensing Law and a psychological intern, if that person or intern is under the supervision of a licensed psychologist or a board certified psychiatrist, and in the case of a trainee, if the trainee is under the supervision of a licensed psychologist, a board certified psychiatrist, a licensed clinical social worker, or a licensed marriage, family, and child counselor.

Ch. 663 (AB 3660) Farr. Residential mortgages: prepayment penalties.

Existing law limits the circumstances when a prepayment penalty can be charged, and in certain cases the maximum amount thereof, with respect to loans secured by a mortgage or deed of trust on real property improved with 1 to 4 dwelling units.

This bill would preclude a lender from charging a prepayment penalty with respect to this property if the residential structure on the security property has been damaged to such an extent by a natural disaster, for which the Governor proclaims a state of

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emergency, that the structure cannot be occupied and the prepayment is causally related thereto.

Ch. 664 (AB 3791) Wyman. Lifetime sportsman and sportfishing licenses.

Under existing law, the Department of Fish and Game issues lifetime sportsman's licenses and lifetime sportfishing licenses for specified fees for persons 40 years of age or more and for other specified fees for persons less than 40 years of age which are required to be adjusted annually, as specified. Existing law requires the fees to be deposited in the Fish and Game Preservation Fund, and the money in the fund is continuously appropriated to the department to carry out the Fish and Game Code.

This bill would increase the fees for those lifetime licenses for persons under 40 years of age, and would provide separate fees for persons 40 or more and less than 62 years of age and for persons over 62 years of age, thereby making an appropriation.

Ch. 665 (AB 3860) Farr. Coastal conservancy: preservation of agricultural lands.

Existing law authorizes the State Coastal Conservancy to award grants to local public agencies and nonprofit organizations for the purchase of fee title, development rights, easements, or other interests in land in the coastal zone to prevent loss of agricultural lands and to permit continued agricultural production.

This bill would also authorize the award of grants for the purpose of undertaking improvement to and development of these lands where necessary to prevent loss of agricultural lands and to permit continued agricultural production.

Ch. 666 (AB 3898) W. Brown. Air pollution: financing.

(1) Existing law provides that it is the policy of the state that the California Pollution Control Financing Authority and the Office of Small Business in the Department of Commerce, in cooperation with the South Coast Air Quality Management District and other air pollution control districts and air quality maintenance districts and the State Air Resources Board, are encouraged to provide technical and financial assistance to small businesses to facilitate compliance with air quality regulations. In providing that assistance, the south coast district is required to establish a special small business assistance account.

This bill would provide that it is the policy of the state that other state agencies implementing small business assistance programs, in cooperation with the districts and state board, are also encouraged to provide that assistance to small businesses. The bill would specifically require the Office of Small Business to assist businesses to comply with environmental requirements and regulations. The bill would require that special account to be designated the Air Quality Assistance Fund, and require the moneys therein to be invested and reinvested, as specified, thereby imposing a state-mandated local program. The bill would provide that the findings of an environmental audit or assessment conducted by or for a small business are the property of the small business.

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

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

Ch. 667 (AB 3910) Hansen. Physicians and surgeons.

Existing law requires any person who practices medicine in this state to be licensed as a physician and surgeon with limited specified exceptions.

This bill would provide an exemption from that licensing requirement for a physician and surgeon lawfully practicing medicine in another state or country who is practicing medicine in this state upon the invitation of the United States Olympic Committee and provided other specified conditions are met.

The bill would authorize a team manager to give consent for medical treatment of any team member who is a minor, as specified.

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Ch. 668 (AB 4032) Harvey. Solid waste: migrating gases.

(1) The Solid Waste Disposal Site Hazard Reduction Act of 1989 authorizes the California Integrated Waste Management Board to make loan guarantees to the owner and operator of solid waste disposal sites to implement a corrective action, which includes any action to abate or prevent the migration of methane gas, under specified circumstances. The board is required to file a biennial report with the Legislature, commencing January 1, 1991. Local enforcement agencies are required to enforce the regulations concerning standards for solid waste handling and disposal.

This bill would require the board to adopt regulations, in consultation with the State Air Resources Board and the California Air Pollution Control Officers Association, which establish monitoring and control standards for the subsurface migration of landfill gas and which require owners and operators of disposal sites to report monitoring data to the board and to perform site inventories and evaluations. The bill would thereby impose a state-mandated local program

The bill would require the board to include, as part of the biennial report, a report on the implementation of these requirements.

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

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

Ch. 669 (AB 4049) Mojonnier. Air pollution: limitation of actions

Existing law does not contain any special limitation on actions maintained for the enforcement of provisions on air pollution

This bill would provide a 3-year limitation for the bringing of actions to enforce specified laws relating to air pollution. The 3-year limitation period would not commence until discovery of the facts constituting grounds for the action by the State Air Resources Board, air pollution control district, or air quality management district.

Ch. 670 (AB 4222) Klehs Insurance: life insurance: policy changes.

Existing law requires certain policies of life insurance to provide that in the event of default in any life insurance premiums, the insurer shall grant a specified nonforfeiture benefit, or may substitute an equivalent alternative nonforfeiture benefit, as specified.

This bill would provide that whenever a nonforfeiture benefit is implemented by a life insurer in connection with a defaulting policyowner, the insurer shall provide a notice to the policyowner which explains this action and refers the policyowner to the other available options, as specified The bill would require the notice be in writing, as specified.

The bill would not apply to reinsurance, group insurance, pure endowment, annuities, or industrial insurance.

Ch. 671 (SB 1029) Mello. Schools: pupil extracurricular and cocurricular activities

Existing law requires the governing board of each school district that maintains one or more schools containing any of grades 7 to 12, inclusive, as a condition for the receipt of an inflation adjustment in its state apportionments, to establish a policy that would ensure, as a condition for pupil participation in extracurricular and cocurricular activities in grades 7 to 12, inclusive, as prescribed, satisfactory educational progress in the previous grading period.

This bill would exclude from the definition of extracurricular and cocurricular activities, any teacher graded or required program or activity for a course which satisfies the entrance requirements for admission to the California State University or the University of California

Ch. 672 (SB 1840) Kopp General acute care hospitals: interpreters.

Existing law requires a general acute care hospital, as defined, to obtain a license from the State Department of Health Services and meet prescribed standards.

This bill would, in addition, require a licensed general acute care hospital to review

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its existing policies regarding interpreters, as defined, for patients with limited-English proficiency and for patients who are deaf and to adopt and annually review a policy for providing language assistance services to patients with language or communication barriers, as specified.

The bill would, among other things, require a licensed general acute care hospital to develop and post notices, as specified, to advise patients and their families of the availability of interpreters, the procedure for obtaining an interpreter, and the telephone numbers where complaints can be filed. It would require the hospital to identify and record a patient's primary language and dialect on one or more specified medical information items. It would further require the hospital to prepare and maintain as needed a list of interpreters and to notify employees of the hospital's commitment to provide interpreters to all patients who request them.

The bill would require the hospital to review all standardized written material to determine whether to translate it into languages other than English.

The bill would make noncompliance with the above-mentioned provisions reportable to licensing authorities.

Under existing law, violations of these provisions would be a misdemeanor.

This bill would make that existing law inapplicable to this bill.

Ch. 673 (SB 1996) Mello. Courthouse construction: Monterey and Santa Clara Counties.

Existing law provides for the deposit of funds from certain surcharges and assessments into the Courthouse Temporary Construction Funds in Monterey and Santa Clara Counties for a period of 20 years, as specified.

This bill would extend the deposit of these funds beyond that 20-year period as necessary to retire any debt incurred prior to the year 2000 for the purposes of those provisions.

Ch. 674 (SB 2739) Roberti. Controlled substances: information.

Existing law does not contain provisions requiring state entities to submit reports concerning the goals to be achieved with the use of federal moneys which they receive in the war against the illegal manufacture, sale, smuggling, and use of controlled substances.

This bill would set forth legislative declarations and findings concerning illicit drug activity and the need to disseminate information concerning the war on drugs.

In addition, the bill would require certain state entities, when they receive federal moneys which are specifically earmarked as part of the President's "National Drug Control Strategy," to report to the Department of Finance, as specified, concerning the use of those moneys. The bill also would require the Department of Finance to analyze each of these reports and to submit its findings to the Legislature by a specified date

Ch. 675 (AB 389) Peace. Peace officers.

(1) Existing law includes specified peace officers within the definition of a public safety officer for purposes of the "Public Safety Officers Procedural Bill of Rights Act."

Existing law permits persons who have been employed for at least one year in specified peace officer positions to make a lateral transfer to fill a position as a deputy marshal or court service officer.

Existing law prohibits an insurer, in issuing or renewing an insurance policy for the operation of a private motor vehicle, from increasing the premium on the policy of specified peace officers, because the peace officer was involved in an accident while operating an authorized emergency vehicle, as defined, in the performance of that peace officer's duty during the hours of employment.

Existing law also exempts specified peace officers from certain reporting requirements to the issuer of a private automobile insurance policy with regard to an accident under the above-described conditions.

Existing law requires, however, specified peace officers to submit, within 30 days, to the insurer, either a written declaration under penalty of perjury stating whether or not the peace officer was operating an authorized emergency vehicle in the performance

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of that peace officer's duty during the hours of employment or a copy of the incident report filed by the peace officer with his or her employer.

This bill would add to the list of specified peace officers subject to the above-described provisions, the officers of a state hospital under the jurisdiction of the State Department of Mental Health or the State Department of Developmental Services.

(2) Existing law prohibits any insurer from failing to renew a private automobile insurance policy, as defined, to a peace officer, member of the California Highway Patrol, or firefighter, with respect to his or her operation of a private motor vehicle, for the reason that the insured has been involved in an accident while operating an authorized emergency vehicle, as defined, in response to his or her duties during the hours of employment.

This bill would add specified peace officers to the definition of peace officer for the purposes of the above provision, and would also add to the list of authorized emergency vehicles, as defined, for the purposes of this provision.

(3) Existing law provides that it is a misdemeanor to falsely report to the employees of specified state or local agencies who are assigned to accept these reports from citizens that a felony or misdemeanor has been committed.

This bill would also make it a misdemeanor to falsely report to the officers of a state hospital under the jurisdiction of the State Department of Mental Health and the State Department of Developmental Services that a felony or misdemeanor has been committed, thereby imposing a state-mandated local program by changing the definition of a crime.

(4) Under existing law, the Public Employees' Retirement Law defines "state peace officer/firefighter member" in terms of specified job classifications and provides higher retirement benefit formulas and higher employer and employee contribution rates for state peace officer/firefighter members than for state miscellaneous members.

This bill would include within the definition of a "state peace officer/firefighter member" specified peace officers of a state hospital under the jurisdiction of the State Department of Mental Health or the State Department of Developmental Services. The inclusion of additional employees in that member category would increase the amount of the state's continuously appropriated monthly contributions, which would constitute a General Fund appropriation.

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

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

Ch 676 (AB 1822) Katz. Vehicles: lien.

Existing law authorizes the Department of Motor Vehicles to collect the amount of a lien for delinquent registration by civil action and sale of the vehicle or another vehicle.

This bill would authorize the department to enforce the lien alternatively by the filing of a certificate with the county clerk requesting the entry of a judgment. The bill would prescribe the procedure for the filing of the certificate, entering of a judgment, and execution of a judgment. The bill would require the county clerk to enter a judgment, thus, the bill would impose a state-mandated local program.

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

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund

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Ch. 677 (AB 2284) Peace. Corporations: mutual water companies.

(1) Under existing law, any amendment of the articles of incorporation of a corporation which would make shares assessable or would authorize remedy by action for the collection of an assessment on fully paid shares must be approved by all of the outstanding shares affected regardless of limitations or restrictions on the voting rights thereof.

This bill would make an exception with respect to mutual water companies, requiring, instead, the approval of at least two-thirds of the outstanding shares of any class affected regardless of limitations or restrictions on the voting rights thereof, except as specified.

(2) Under existing law, if shares have been issued, an amendment to the articles of incorporation to convert to a nonprofit corporation must be approved by all the outstanding shares of all classes regardless of limitations or restrictions on the voting rights thereof, and an amendment to convert to a cooperative corporation must be approved by the outstanding shares of each class regardless of limitations or restrictions on voting rights

This bill would make an exception with respect to mutual water companies, requiring, instead, that if under the terms of the conversion each outstanding share is converted to a membership of a nonprofit mutual benefit corporation, an amendment to convert to a nonprofit mutual benefit corporation shall be approved by a majority of the outstanding shares of each class regardless of limitations or restrictions on the voting rights thereof.

Ch. 678 (AB 2368) Wright. Corporations.

Existing law regulates distributions to shareholders of corporations in various ways. Existing law provides for that purpose that the time of any distribution by purchase or redemption of shares shall be the date cash or property is transferred, but that where a negotiable debt security is issued in exchange for shares the time of distribution is the date when the corporation acquires the shares.

This bill would, instead, provide that where a debt obligation that is a security is issued in exchange for shares the time of the distribution is the date when the corporation acquires the shares.

Ch. 679 (AB 2612) Lancaster. Industrial loan companies.

Existing law provides for the regulation of industrial loan companies by the Commissioner of Corporations. Existing law requires those companies to furnish financial statements and other reports as requested or required by the commissioner or as required by law, as specified.

This bill would provide that any industrial loan company which fails to make any required report at the time specified by the commissioner, or fails to include any matter, as specified, shall be assessed a penalty of $100 for each day which that report is delayed or withheld by the failure or neglect of the industrial loan company.

Ch. 680 (AB 2632) Roybal-Allard. Domestic violence.

Existing law provides that in any case in which a person convicted of inflicting corporal injury upon a spouse, cohabitant, or parent of his or her child is granted probation, the court shall require supervised counseling as a condition of probation unless the court finds the counseling inappropriate for the defendant.

This bill would require participation in a batterer's treatment program, rather than supervised counseling, as a condition of probation in those cases The bill would state that it does not constitute a change in, but is declaratory of, existing law.

Ch. 681 (AB 2827) Kelley. Water rights: temporary changes: wholesale water agencies.

(1) Under existing law, the State Water Resources Control Board is required to make a specified evaluation of a proposed temporary change involving the transfer of water in accordance with prescribed procedures, and the board is required to hold a hearing, as specified, if the board cannot make a specified finding.

This bill would specify that the right to petition for a writ of mandate shall not be affected by the failure to seek reconsideration before the board The bill would specify

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that the evidence to be considered by the court in the writ of mandate proceeding shall be limited to the documents and materials in the administrative record before the board, except as specified.

(2) Under existing law, the Department of Water Resources may enter into contracts for the sale of water from the State Water Project.

This bill would authorize any public agency which has executed a contract with the state for a water supply from the State Water Project to sell any water available to the agency directly to any ultimate water consumer, subject to a written contract with specified other entities, if the principal act of the agency restricts the agency to the wholesale distribution of water.

Ch. 682 (AB 3084) Eaves. Insurance: uninsured motorist coverage.

Under existing law, no policy of bodily injury liability insurance covering liability arising out of the ownership, maintenance, or use of a motor vehicle, may be issued or delivered unless the policy contains a provision insuring the insured for damages that he, she, or they, are entitled to recover as damages for bodily injury or wrongful death from the owner or operator of an uninsured motor vehicle, subject to various limitations, and subject to the express deletion of the provision. Under existing law, that requirement is not applicable to a policy if the only coverage with respect to the use of any motor vehicle is limited to the contingent liability arising out of the use of nonowned motor vehicles.

This bill would eliminate the exclusion of policies that only cover contingent liability arising out of the use of nonowned motor vehicles.

Ch. 683 (AB 3116) Moore. Public property: sales.

Existing law regulates the sale of surplus public property.

This bill would require any private person or private company that advertises that it provides information or services regarding the sale or purchase of public property of any kind to prominently indicate in the advertisement and any other presentation that the person is not a government official or a government agency and would provide that violations are an unfair business practice.

Ch. 684 (AB 3134) McClintock. United Water Conservation District: groundwater charge: safe drinking water grants.

(1) Under existing law, water conservation districts are authorized to levy groundwater charges upon the production of groundwater from all water-producing facilities within the district in accordance with prescribed procedures and requirements.

This bill would authorize a person who augments the water supplies for use within the United Water Conservation District, by importing water from sources outside the district, and who stores that water in a basin within the district, to apply for an exemption from the payment of any groundwater charge based upon the extraction of that water. The bill would thereby impose a state-mandated local program. The bill would specify conditions for qualification for the exemption.

The bill would make legislative declarations as to the need for the bill.

(2) Under the California Safe Drinking Water Bond Law of 1986, grants may be made to local agencies by the Department of Water Resources to finance proposed projects and investigations for system improvements upon authorization of the Legislature.

This bill would provide authorization under those bond laws for a specified project.

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

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

Ch. 685 (AB 3186) Filante. Hearing aid dispensers.

Existing law provides that hearing aid dispensers' licenses expire on January 15 of each year.

This bill would provide that all those permanent licenses shall expire on January 15,

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1991, and on and after that date those permanent licenses shall expire on a date set by the board, as specified, and would require the Hearing Aid Dispensers Examining Committee to establish procedures to implement that cyclical renewal program.

Existing law specifies the fees for licensure as a hearing aid dispenser.

This bill would increase the maximum fee for each renewal of a permanent license, but would retain the maximum current fee for each renewal of a temporary license.

Existing provisions of the Business and Professions Code continuously appropriate the moneys in the Hearing Aid Dispensers Fund. Because this bill would increase the amount of moneys in the fund, it would constitute an appropriation.

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

Ch. 686 (AB 3189) Tanner. South Coast Air Quality Management District: sensitive zones.

(1) The existing Lewis Air Quality Management Act requires the South Coast Air Quality Management District to carry out powers and duties relating to air pollution control in the South Coast Air Basin. It requires, for the issuance of a permit by the south coast district board for the construction or operation of a stationary source within a designated sensitive zone, that emission offsets be secured by the applicant so as to bring about, and that any emissions reductions acquired from stationary sources operating within the air basin will result in, ambient air quality improvement within the sensitive zone. Existing law requires the south coast district board to make a finding and determination that the impacts of the stationary source can be mitigated so as to result in a net improvement in ambient air quality within the sensitive zone. Existing law specifies that these requirements shall not apply until the south coast district board has adopted rules and regulations to implement these requirements.

This bill would impose a state-mandated local program by requiring the south coast district to adopt these rules and regulations by January 1, 1991, and report to the Legislature by January 1, 1992, thereon.

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

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

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

Ch 687 (AB 3200) Polanco. Game: black bears.

(1) Existing law authorizes the Fish and Game Commission to set the times, places, and method of taking black bears in this state under permits and license tags issued by the Department of Fish and Game. Existing law also authorizes the department to issue permits to take bears that are injuring property.

This bill would expressly require the commission to annually determine whether to continue, repeal, or amend regulations establishing hunting seasons for black bears, and to include consideration of specified factors in making that determination.

The bill would also require the commission to comply with specified notice and hearing requirements before adopting a regulation authorizing a special hunting season for black bears for the purpose of curtailing property damage in any specified area. The bill would also require the permit to take depredating black bears to contain specified facts.

The bill would also state legislative findings and declarations relating to black bears.

(2) Existing law continuously appropriates the money in the Fish and Game Fund to the commission and the department to carry out the Fish and Game Code. Because this bill would change the duties of the commission and the department, it would make an appropriation.

Ch. 688 (AB 3226) Floyd. Public construction: local agencies

(1) The Local Agency Public Construction Act requires, until January 1, 1991, any public agency electing to perform work by day's labor to perform the work in strict accordance with prepared plans and specifications.

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This bill would delete that termination date. The resulting costs to local agencies would constitute state reimbursable, state-mandated local program costs.

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

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 689 (AB 3238) Lancaster. Industrial loan companies: loans.

Existing law provides that certain real estate loans and consumer loans secured by real property made or acquired by an industrial loan company shall not have a repayment period exceeding 30 years and 30 days, as specified.

This bill also would provide, however, that an industrial loan company may make loans secured by 1st trust deeds on real property containing single family, or 1 to 4 residential, units provided that the repayment period for each loan does not exceed 40 years and 30 days from the date the loan is made by the company. In addition, the bill would provide that all loans with repayment periods in excess of 30 years and 30 days shall not exceed in the aggregate 5% of all outstanding loans and obligations of the company.

Ch. 690 (AB 3277) Costa. Housing: predevelopment loans.

Under existing law, the Rural Predevelopment Loan Fund is continuously appropriated to the Department of Housing and Community Development to make "predevelopment loans," as defined, and "land purchase loans," as defined, to eligible sponsors for assisted housing in rural areas, for occupancy by persons of low income.

This bill would expand the definition of a "predevelopment loan" for these purposes to include a loan for the costs of options or deposits to buy or preserve existing government-assisted rental housing for the purpose of preserving the affordability of the units. By creating additional purposes for which the continuously appropriated Rural Predevelopment Loan Fund may be used, the bill would make an appropriation.

Under existing law, the Urban Predevelopment Loan Fund is continuously appropriated to the Department of Housing and Community Development to make "predevelopment loans," as defined, and "land purchase loans," as defined, to eligible sponsors for assisted housing in urban areas, for occupancy by persons of low income.

This bill would expand the definition of a "predevelopment loan" for these purposes to include a loan for the costs of options or deposits to buy or preserve existing government-assisted rental housing for the purpose of preserving the affordability of the units. By creating additional purposes for which the continuously appropriated Urban Predevelopment Loan Fund may be used, the bill would make an appropriation.

Ch. 691 (AB 3340) Margolin. Medi-Cal reimbursements.

Existing law authorizes the State Director of Health Services to adjust policies and regulations for the administration of the Medi-Cal program, including limiting the rates of payment for health care services.

Existing law requires the department to develop a prescribed outpatient disproportionate provider factor for each hospital during the first quarter of each year to be incorporated into specified rate adjustments and funded dependent upon the amount provided in each annual Budget Act for that purpose.

This bill would make these existing provisions applicable to payments made through June 30, 1990, and for payments made on or after July 1, 1990, would require that this factor be computed on an annual basis, rather than during the first quarter of each year. This bill would further require that disproportionate share payments made to children's hospitals on or after July 1, 1990, not be less than they would have been if calculated pursuant to specified provisions.

Existing law requires that the factor be the proportion of total outpatient gross reve-

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nue attributable to Medi-Cal gross revenue and "other" outpatient deductions from revenue, as defined in a specified cost report.

This bill would clarify that this factor is the ratio of the sum of the total Medi-Cal outpatient gross revenue plus specified "other" outpatient deductions from revenue, to the total outpatient gross revenue. The calculation of the outpatient disproportionate factor would exclude specified allowances, subsidies, and funds. Hospitals exceeding the statewide mean would receive supplemental payments based upon their relative disproportionality.

Existing law requires the department to permit hospitals to certify to changes in relevant data subsequent to the most recent cost and revenue report filed with the Office of Statewide Health Planning and Development. Existing law permits the department to base augmentation levels on the degree a hospital exceeds the outpatient disproportionality threshold.

This bill would eliminate these provisions.

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

Ch. 692 (AB 3398) N. Waters. Highways: snow conditions.

(1) Under existing law, any person who willfully or negligently damages a highway or its appurtenances, including guard rails, signs, traffic signals, and similar facilities, is liable for the reasonable cost of repairs or replacement.

This bill would specifically include snow poles within these appurtenances for these purposes.

(2) Under existing law, when the clearing of a highway of snow causes its width to be restricted, the Department of Transportation or local authorities, within their respective jurisdictions, may place signs indicating where parking is prohibited.

This bill would delete that authorization and would, instead, specifically authorize local authorities, by ordinance or resolution, to prohibit or restrict the parking or standing of vehicles on designated streets or highways, or portions thereof, for purposes of snow removal if signs are posted, as specified, setting forth the days that parking is prohibited. The bill would also specifically authorize the department to restrict parking on state highways for snow removal when signs are posted. The bill would prohibit any person from stopping, parking, or leaving standing any vehicle within the area marked by the signs. The bill would require local authorities to submit to the department for its approval any such ordinance or resolution affecting a state highway.

(3) Existing law permits local authorities to designate special parking places for disabled persons indicated by blue paint on the curb or edge of the pavement and signs or other visible means.

This bill would, in snow areas, allow a clearly visible sign designating the space to be sufficient for those purposes.

Ch. 693 (AB 3403) Mojonnier. Developmentally disabled persons: confidentiality of information and records.

Existing law requires that all information and records obtained while providing services to developmentally disabled persons be kept confidential, and specifies exceptions to this general rule. One exception made is for release of information between qualified health professionals, provided the individual or his or her guardian has consented to release of information to professionals who are not employed by the facility or responsible for the care of the individual.

This bill would specify that this exception applies to communications between qualified professionals, whether employed by a regional center or state developmental center, or not, and would retain the requirement of consent for disclosure by regional center or state developmental center personnel to professionals not employed by a regional center or state developmental center or a program not vendored by a regional center or state developmental center.

Existing law allows release of information when the person with a developmental disability, with the approval of the physician, psychologist, or social worker, designates individuals to whom information may be released.

This bill would specify that persons with a developmental disability who have the

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capacity to give informed consent may designate individuals to whom information may be released, without this approval.

Existing law provides that specified professionals may not be compelled to release information obtained from a family member of a developmentally disabled person.

This bill would add marriage, family, and child counselors to that list of professionals and would provide that information given in confidence to specified professionals by a family member may be revealed when a valid release has been provided by that family member.

This bill would also allow disclosure of information to the courts and designated parties as part of regional center reports or assessments that are required by statutory or regulatory requirements.

Under existing law, information may be released to the attorney for the developmentally disabled individual when the individual has signed a release. If the individual is unable to sign a release, any member of the staff is allowed to release information under described circumstances.

This bill would provide, instead, that if the developmentally disabled individual lacks the capacity to give informed consent, the regional center or state developmental center director or his or her designee shall release information to the attorney under described circumstances.

Under existing law, information may be released by the physician in charge of the developmentally disabled individual, or by the professional in charge of the facility, to probation officers and governmental law enforcement agencies for specified purposes, including when the physician or professional has cause to believe the individual committed a crime while hospitalized.

This bill would, instead, allow release of information by the regional center or state developmental center director or his or her designee for specified purposes, including when the person with a developmental disability has been reported lost or missing, or there is probable cause to believe the individual committed a crime.

This bill would also allow release to agencies mandated to investigate reports of abuse pursuant to specified statutory provisions.

The bill would further allow the director of a regional center or state developmental center, or his or her designee, to consent to release of information or records only if release of the information is deemed necessary to protect the person's health, safety, or welfare, and the person with developmental disabilities or his or her parent, guardian, or conservator does not respond to a request for a release within a reasonable time after being notified annually, in writing, of the policy regarding release of information.

This bill would also make nonsubstantive, technical changes.

This bill would incorporate additional changes in Section 4514 of the Welfare and Institutions Code, proposed by SB 2740, to be operative only if SB 2740 and this bill are both chaptered and become effective January 1, 1991, and this bill is chaptered last.

Ch. 694 (AB 3416) Farr. Public projects: bids.

(1) Existing law authorizes public agencies to elect to become subject to specified uniform construction procedures

This bill would permit local agencies to perform project work by force account or negotiated contract if no bids are received through specified formal or informal procedures.

(2) Existing law, until January 1, 1991, permits public agencies to perform work on public projects by doing labor in strict accordance with plans and specifications prepared for formal or informal bid.

This bill would delete that termination date.

(3) Existing law authorizes county boards of supervisors after rejecting bids for projects to enact resolutions to perform by alternative methods.

This bill would limit that authority to projects which are less than $75,000. The resulting costs to local agencies would constitute state-reimbursable, state-mandated local program costs.

(4) This bill would transfer certain public works contract provisions from the Government Code to the Public Contract Code without substantive change.

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

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 695 (AB 3448) Statham. Alcoholic beverages: minors.

(1) Existing law requires all state and local law enforcement agencies to immediately notify the Department of Alcoholic Beverage Control of any arrests made by them for violations over which the department has jurisdiction which involve a licensee or licensed premises.

This bill would, instead, require that notification be given within 10 days of the arrest.

(2) (A) Existing law provides that every person who sells, furnishes, gives, or causes to be sold, furnished, or given away, any alcoholic beverage to a person under the age of 21 years is guilty of a misdemeanor.

(B) Existing law provides that any licensee who knowingly permits a person under the age of 21 years to consume any alcoholic beverage in the on-sale premises is guilty of a misdemeanor.

(C) Existing law also provides that any person under the age of 21 years who purchases any alcoholic beverage or who consumes any such beverage in any on-sale premises is guilty of a misdemeanor punishable by a fine, or community service, or both.

This bill would make the persons described in (A) and (B) above subject to the same penalty described in (C) and in so doing, would impose a state-mandated local program.

The bill would also prohibit, on and after January 1, 1992, a clerk from making an off-sale of alcoholic beverages unless the clerk executes, under penalty of perjury, on the first day he or she makes that sale, an application and acknowledgement, on a form prepared by the department, which would be required to include a summary of specified provisions of the Alcoholic Beverage Control Act.

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

This bill would expand existing crimes, thus, the bill would impose a state-mandated local program.

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

Ch. 696 (AB 3457) Moore. Cordless telephones.

Existing law, the Cellular Radio Telephone Privacy Act of 1985, prohibits and prescribes criminal penalties to persons who, among other things, intercept, receive, or assist in intercepting or receiving, communications transmitted between cellular radio telephones or between a cellular radio telephone and a landline telephone, unless consented to by all parties to the communications.

This bill would amend the act by making it the Cordless and Cellular Radio Telephone Privacy Act, instead of the Cellular Radio Telephone Privacy Act of 1985. In addition, the bill would include legislative findings and declarations and would prohibit and make the same criminal penalties applicable to persons who, maliciously, and without the consent of all parties to the communications, intercept, receive, or assist in intercepting or receiving, communications transmitted between cordless telephones, as specified, between any cordless telephone and a landline telephone, or between a cordless telephone and a cellular telephone. Because the bill would create new crimes, it would constitute a state-mandated local program.

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

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

Ch. 697 (AB 3463) La Follette. Public agency claims.

Existing law prescribes conditions and procedures on the presentation of claims against public entities generally.

This bill would permit a local public entity, as defined, to offset any delinquent amount due it for services rendered to another public entity and to charge it against any amount reciprocally owing upon 30 days advance written notice if no written dispute has been received during that period. Interest on disputed sums ultimately determined to be owing, would be assessed at the rate set by other provisions of law. The bill would specify that an amount reciprocally owing includes any tax revenue collected by a local public entity for disbursement to another public entity.

The bill would also provide that if the offset would result in the debtor's inability to meet encumbered bonded indebtedness repayments, the debtor must state it in a written dispute within the notice period.

Ch. 698 (AB 3466) Frazee. Juvenile court law: records.

Existing law generally provides procedures for the sealing and destruction of any records pertaining to a juvenile case. It specifically requires destruction of a juvenile court record, as specified, upon court order, when the person who is the subject of the record reaches the age of 28 if the person was alleged or adjudged to be a dependent child of the juvenile court or a person coming within the jurisdiction of the juvenile court based on noncriminal activity. It also requires destruction when the person who is the subject of the record reaches the age of 38 if he or she was alleged or adjudged to be a person coming within the jurisdiction of the juvenile court based on criminal activity. Existing law also provides that a person who is the subject of a juvenile court record may by written notice request the court to release the record to his or her custody, and requires the court to release the record to the person so requesting 5 years after the jurisdiction of the juvenile court over the person has terminated, except as specified. Juvenile court records, as specified, may be destroyed after 5 years from the date on which the jurisdiction of the juvenile court over a minor is terminated.

This bill would require a juvenile court record to be destroyed, upon court order, when the person who is the subject of the record has reached the age of 21 years if the person was alleged or adjudged to be a person coming within the jurisdiction of the juvenile court based on noncriminal activity. Additionally, the bill would provide that upon written notice, as specified above, the court shall release a juvenile court record to the person who is the subject of the record, including to a person coming within the jurisdiction of the juvenile court based on criminal activity or to a person alleged or adjudged to be a dependent child of the juvenile court, 5 years after the jurisdiction of the juvenile court over the person has terminated or, in the alternative, when the person reaches the age of 21 years, if the person was alleged or adjudged to be a person coming within the jurisdiction of the juvenile court based on noncriminal activity, except as specified. Furthermore, the bill would provide that juvenile court records in juvenile traffic matters may be destroyed after 5 years from the date on which the jurisdiction of the juvenile court over a minor is terminated or when the minor reaches the age of 21 years, as specified.

Ch. 699 (AB 3516) Ferguson Mental health: Short-Doyle Act.

Under the Short-Doyle Act, available funding for local mental health programs, beyond the current base plus any cost-of-living adjustment granted by the Legislature, is required to be allocated to counties based upon relative need, based upon specified information revised annually by the State Department of Mental Health. If financing problems require a decrease in the department's total allocation and the amount for local programs, the director of the department is required to distribute funds to counties based upon a method which accounts for the issue of equity among the counties. Finally, the department is required to make available information on the progress made in achieving equity between counties, by December 31 of each year. These provisions

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would be repealed on January 1, 1992.

This bill would delete the statutory repeal of these provisions, thus continuing them indefinitely.

Ch. 700 (AB 3518) Hughes. Schools: admission: age.

Existing law requires specified evidence to prove minimum age of a child prior to admission to kindergarten or 1st grade, except that in districts having an average daily attendance of 60,000 or more, the governing board is required to admit a child to kindergarten or 1st grade upon any proof of age prescribed by the governing board.

This bill would permit governing boards of all school districts to prescribe the means of proving the age of a child for this purpose.

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

Ch. 701 (AB 3592) Farr. Program for middle school options for Santa Cruz High School attendance area.

Existing law requires each person subject to compulsory full-time education to attend the school in which the residence of either the parent or guardian is located, as specified. Notwithstanding this requirement, pupils are deemed to have complied with these residency requirements for school attendance if certain circumstances are in effect.

This bill would create a program for middle school options for the Santa Cruz High School attendance area in order to provide fiscal incentives to the elementary school district that forms a consortium with the Santa Cruz High School District to provide enrollment options to all pupils in grades 7 and 8. Participation would be limited to the Santa Cruz High School District and the Live Oak Elementary School District. This bill would require that the districts that participate in the consortium provide all pupils in grades 7 and 8 in the participating district with the option to enroll in either the middle school or the junior high school.

This bill would prohibit the school district from denying a request for enrollment made pursuant to these provisions unless no space is available in the selected school or unless the choice would have a negative impact on an existing desegregation plan.

This bill would require that the average daily attendance of pupils participating in the enrollment option pursuant to these provisions be credited to the elementary school district of residence for purposes of determining state apportionments and revenue limits.

This bill would prescribe a formula for an addition to the revenue limit for the participating elementary school district.

This bill would appropriate $120,000 to Section A of the State School Fund for the purpose of funding the revenue limit increases provided for in this bill. To the extent that the funds appropriated by this bill are allocated by the Superintendent of Public Instruction to school districts, for the purposes of this bill, those funds may be applied toward the minimum funding requirements for school districts imposed by Section 8 of Article XVI of the California Constitution.

This bill would make a legislative finding and declaration of unique circumstances in this regard.

Ch. 702 (AB 3649) Vasconcellos. Adult education programs.

Existing law authorizes the county superintendent of schools, with the approval of the county board of education and the board of supervisors, to establish and maintain classes or schools for prisoners in any county jail, county honor farm, or any county industrial farm or county or joint county road camp, for the purpose of providing instruction in civic, vocational, literacy, health, homemaking, technical, and general education. Existing law also authorizes the county board of supervisors to provide for the establishment and maintenance of classes or schools in connection with the jail facilities for the education and vocational training of the prisoners.

This bill would make certain legislative findings and declarations regarding self-esteem based substance abuse treatment programs and regarding adult parenting skills education for county jail inmates.

This bill would declare the intent of the Legislature to appropriate $145,000 in the

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1991–92 fiscal year for use during the 1991–92 fiscal year for the purpose of studying, documenting, developing, replicating, and expanding substance abuse treatment programs and parenting skills programs for adults in county correctional facilities. It would require the superintendent to provide 2 one-time grants to existing jail education programs for the purpose of training and starting a minimum of 6 new programs as described.

This bill would become operative on July 1, 1991.

Ch. 703 (AB 3842) Allen. Categorical funding.

Existing law provides for various categorical programs.

This bill would state the intent of the Legislature that all funding for categorical programs that are funded according to formulas based on indicators of need shall be based on district counts of pupils meeting the criteria for the programs.

This bill would require the Superintendent of Public Instruction, in consultation with the Legislative Analyst's office and the Department of Finance, to submit a report to the Legislature by January 1, 1992, indicating school districts' needs in regard to categorical programs.

Ch. 704 (AB 3853) Wright. Workers' compensation.

Existing law requires private employers who have ceased to be self-insured employers to discharge their continuing obligations to secure the payment of compensation which accrued during the period of self-insurance by compliance with specified obligations, and permits the Director of Industrial Relations to impose prescribed civil penalties for failure to comply with these obligations. Existing law further requires that an appeal from the director's determination be taken to the Workers' Compensation Appeals Board.

This bill would, instead, require that appeals from the director's determination be taken to the appropriate superior court by petition for writ of mandate.

The bill would also make a technical, nonsubstantive change.

Ch. 705 (AB 3882) Eastin. Bank and Corporation Tax: dissolution.

The existing Bank and Corporation Tax Law requires that, except for financial corporations, every corporation, doing business in this state and not otherwise exempted, pay annually, a minimum franchise tax. That law requires that a taxpayer pay a minimum franchise tax until the taxpayer dissolves or withdraws by filing certain documents with the Secretary of State. A minimum franchise tax is not imposed under certain conditions, if during the year, the taxpayer does no business in this state, and files a certificate of dissolution or withdrawal, as specified, by the expiration date of the certificate of tax clearance issued by the Franchise Tax Board.

This bill would require the Secretary of State to recommend certain procedures with respect to corporate dissolution to taxpayers, to acknowledge receipt of certain documents within a specified time, and to report to the Legislature on the development of a taxpayer information program. It would also provide that a certificate of tax clearance shall be renewed upon submission of certain documents to the Franchise Tax Board.

Ch 706 (AB 3911) Hansen. Vehicles: license plates.

Existing law requires payment of a $100 fee for the issuance of commemorative Olympic reflectorized license plates, and other specified fees for the transfer, duplication, or replacement of the plates, and provides that in addition to those fees a fee shall be paid to recover the costs of the Department of Motor Vehicles in issuing the plates.

This bill would delete the provision for that additional fee for the costs of the department, and provide that the $100 fee includes any administrative fees. The bill would require the department to report to the Legislature on that license plate program, as specified.

Ch. 707 (AB 3946) Harris. Attorneys.

Existing law sets forth the requirements for admission to the practice of law, which include fulfillment of certain educational criteria and passage of the final bar examina-

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tion. A person beginning the study of law shall have completed at least 2 years of college, as specified, or have attained in apparent intellectual ability the "equivalent" of 2 years of college If the law school is accredited, the "equivalent" shall be determined by the dean or faculty thereof, and with respect to all other persons, by the Examining Committee of the State Bar and shall be made, in that case, after a personal interview or passage of a written examination.

This bill would, instead, require that the "equivalent" be determined, in both of the above instances, by the examining committee, subject to those same conditions, as specified.

Under existing law, qualifying education for bar examination purposes consists of, among other things, 4 years of study in a law school that is authorized or approved to confer professional degrees and requires a minimum attendance of its students, as specified

The bill would also provide that a person who has received his or her legal education in a foreign state or country where the common law of England is not the basis of jurisprudence shall demonstrate to the satisfaction of the examining committee that his or her education, experience, and qualifications qualify him or her to take the examination.

Ch. 708 (AB 4318) Leslie. Driving offenses· alcohol.

Existing law prohibits driving a vehicle while having 0.08% or more, by weight, of alcohol in the blood. The percent, by weight, is based on grams of alcohol per 100 milliliters of blood, and other provisions of law also specify grams of alcohol per 210 liters of breath

This bill would make conforming changes by including the reference to liters of breath in the provisions which currently refer only to milliliters of blood.

Ch 709 (SB 1131) McCorquodale Governmental investors: soft dollar and directed brokerage arrangements.

Existing law authorizes state and local public entities to invest their public funds.

This bill would require each securities transaction or brokerage agreement carried out for a governmental investor pursuant to a soft dollar and directed brokerage arrangement to be executed at the lowest responsible transaction cost available. This bill would define "soft dollar and directed brokerage arrangements" as meaning brokerage and research services described in a specified provision of federal law. This bill would specify that those arrangements are not subject to any statutory competitive bidding requirements and would express related legislative intent. This bill would require any written contract entered into between a governmental investor and an investment manager on or after January 1, 1991, for the management of assets of a public fund or a public pension or retirement fund, which includes a soft dollar and directed brokerage arrangement, to contain specified requirements relating to soft dollar and directed brokerage arrangements.

Any costs to local governmental entities resulting from these requirements would constitute state-reimbursable, state-mandated local program costs.

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

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

Ch. 710 (SB 1775) Lockyer. Probate law

AB 759, which has been enacted as Chapter 79 of the Statutes of 1990, operative July 1, 1991, would repeal the existing Probate Code and enact a new Probate Code contingent upon AB 831 being chaptered and taking effect on or before January 1, 1991.

This bill would make the new Probate Code operative on July 1, 1991, by removing the contingency regarding the enactment of AB 831; would specify the effect on certain provisions if AB 831 is not chaptered, and would amend and repeal provisions of the new Probate Code to make the following changes, among others:

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(1) Specify that, for purposes of a California statutory will executed by a testator who dies on or after July 1, 1991, a person is not to be deemed to survive the testator unless the person survives the testator by more than 120 hours, but the 120-hour requirement would be inapplicable if its application would result in escheat of property to the state.

(2) Increase from $1,500 to $5,000 the maximum monthly rental under a lease extension, renewal, or modification of one year or less that may be executed by an executor, administrator, guardian, or conservator without court approval and make a similar change with respect to compromise, settlement, extension, renewal, or modification of a lease with a term exceeding 2 years by a guardian or conservator.

(3) Delete a provision tolling the 4-year limitation on bringing an action on the bond of a guardian or conservator following discharge, removal, or surcharge while the person entitled to bring the action is under any legal disability to sue.

(4) Revise findings which a court is required to make to authorize a guardian or conservator to consent to specified medical treatment on behalf of the ward or conservatee, and make similar changes in provisions empowering the courts to make orders authorizing medical treatment for adults without a conservator who are unable to consent to medical treatment.

(5) Incorporate additional changes proposed by SB 1984, contingent upon its enactment.

(6) Limit the priority assigned for appointment of the guardian or conservator of the decedent's estate at the time of death, as administrator of the decedent's estate, to guardians and conservators that have filed a first account and are not acting as a guardian or conservator for any other person, unless the court waives these requirements for good cause shown and require the petition for such a waiver to be served on the public guardian.

(7) Revise provisions for the powers and duties of a personal representative, and the compensation of a personal representative, an attorney for a personal representative, or an attorney for a special administrator.

(8) Revise provisions for giving notice under the new Probate Code, where the person's address is unknown.

(9) Specify that in all proceedings under the Trust Law, rather than only proceedings concerning the internal affairs of trusts, the court has the powers of a superior court, and also specify that the court acts in these matters as a court of general jurisdiction.

(10) Make technical and clarifying changes.

This bill would become operative on July 1, 1991.

Ch. 711 (SB 1813) McCorquodale. Household batteries: study.

Existing law does not expressly authorize the California Integrated Waste Management Board to study the disposal and means of promoting the recycling of batteries typically generated as household waste.

This bill would authorize the board to conduct a study on the disposal and recyclability of batteries typically generated as household waste, as specified. The bill would make a statement of legislative findings.

Ch. 712 (SB 1977) Kopp. Drivers' licenses: suspension: vandalism.

(1) Existing law requires a court to suspend, restrict, or delay for one year the driving privilege of persons under age 21 but 13 years of age or older convicted of offenses relating to alcohol or controlled substances.

This bill would, on a 1st offense, authorize, and on successive offenses require, a court to suspend, restrict, or delay for one year the driving privilege of persons 13 years of age or older who commit vandalism by defacing property with paint or any other liquid. The bill would permit the period of suspension or delay to be reduced by the performance of specified community service. By imposing this requirement on the court, and requiring the court to report those cases to the Department of Motor Vehicles, the bill would impose a state-mandated local program.

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

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

Ch. 713 (SB 2606) Torres. Attorneys.

Existing law requires an attorney who contracts to represent a plaintiff on a contingency fee basis to provide a duplicate copy of the contract to the plaintiff at the time the contract is entered into and specifies the minimum contents of that contract. The law exempts from these requirements any contingency fee contract for the recovery of workers' compensation benefits.

This bill would also exempt from those requirements contingency fee contracts for the recovery of claims between merchants arising from the sale or lease of goods or services rendered, or money loaned for use, in the conduct of a business or profession, providing each merchant employs 10 or more individuals, as specified, and would provide that, in the above instances in which no written contract for legal services exists as permitted by the bill, an attorney shall not contract for or collect a contingency fee in excess of specified limits.

Ch. 714 (AB 2553) Quackenbush. Trade secrets: protective orders and closed criminal proceedings.

Under existing law, the owner of a trade secret or the owner's agent or employee may claim a privilege to refuse to disclose the trade secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud, or otherwise work an injustice. Existing law also authorizes a court to issue a protective order, protecting trade secret information whenever the owner of a trade secret asserts his or her trade secret privilege during a criminal proceeding, as specified, or to hold an evidentiary hearing on disputed articles, as specified.

This bill would allow the court, in its discretion, to hold the evidentiary hearing in camera concerning disputed articles with only the owner of the trade secret, the People's representative, the defendant, and the defendant's counsel present.

Existing law provides that all physical articles, as defined, disclosing the trade secret may be admitted into evidence under seal, and shall not be unsealed except as specified.

This bill would provide, instead, that no articles disclosing the trade secret may be made part of the court record, as specified, without approval of the court and prior notice to the owner of the secret, or to the owner's designated agent.

This bill would also provide that the People shall request sealing of articles reasonably expected to be filed or admitted into evidence, and would specify the procedures that must be followed for the sealing.

Ch. 715 (AB 2038) Eastin. Transportation: highway projects: reports.

Under existing law, the California Transportation Commission and the Department of Transportation are required to program, budget, and expend funds in the State Highway Account in the State Transportation Fund in accordance with a specified sequence of priorities. The commission's annual state transportation improvement program lists projects to be funded from the account for a 7-year period in accordance with those priorities Existing law requires the adoption of a 7-year regional transportation improvement program by a regional transportation agency each odd-numbered year, and specifies what that program is to include

Under existing law, the commission may include a highway capacity increasing project in the state transportation improvement program only if a project studies report has been completed for that project. Existing law requires the department to prepare a project studies report on each capacity increasing state highway project which appears on the regional future development list, and to seek assistance from regional and local transportation agencies and other transportation entities for preparation of those project studies reports.

This bill would permit the regional transportation improvement program to include a future development list of capacity increasing state highway projects in priority order for purposes of the initiation of project studies reports, and would specify related matters. The bill would require the list to be submitted to the department, after preparation

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and adoption, for use solely in preparing the project studies report.

The bill would require the department to prepare and submit to the commission by July 1, 1991, draft guidelines for the preparation of project studies reports, and would require the commission to adopt final guidelines by October 1, 1991, to be applicable to project studies reports commenced after that date.

The bill would specify that the department may be requested to prepare a project studies report for a capacity-increasing project proposed for inclusion in a future state transportation improvement program, and would allow the requesting entity to prepare the report if the department determines that it cannot complete the report in a timely fashion.

The bill would specify time deadlines for the department's review of a report prepared by another entity.

Ch. 716 (AB 2438) Ferguson. Common interest developments: financial affairs.

Under existing law, the association administering a common interest subdivision is required annually to provide for preparation and distribution to members of prescribed financial information. Under this existing law, a budget summary may be provided in lieu of the association's operating budget if a prescribed notice is also provided advising the recipient that a copy of the full budget will be provided upon request.

This bill would make technical, clarifying changes in the above provisions.

Ch. 717 (AB 2639) Lancaster. Corporations. self-insurance.

Existing law authorizes certain nonprofit tax exempt health or human services corporations to establish an arrangement providing for the pooling of self-insured claims or losses to insure against tort liability, and liability of employees, board members, officers, or volunteers.

This bill would authorize those corporations to also use that arrangement to insure against any loss arising from physical damage to motor vehicles owned or operated by the corporation.

Ch. 718 (AB 2654) Hunter. Property taxation: welfare exemption: filing.

Existing law provides that affidavits for the welfare and veteran's organization exemptions, and financial statements of the owner and operator of the properties sought to be exempted, shall be filed, as specified, on or before March 15 of each year with the assessor concerned. Existing law further provides that the assessor shall make a recommendation for approval or denial to the State Board of Equalization not later than April 1 of each year. It further provides that the board shall make findings as to the eligibility of an applicant and the applicant's property and shall forward its findings to the assessor concerned no later than June 1, or in a case where the board conducts a hearing on the matter, no later than June 15.

This bill would provide that an applicant for a welfare exemption, granted a welfare exemption and owning any property exempted pursuant to specified provisions, shall be granted an exemption in subsequent years without reapplication, provided there is no transfer of, or change in title to, the exempted property and the property is used exclusively by a governmental entity for its interest and benefit. It would require that the assessor be notified prior to March 15 in any given year if any requirement for exemption is no longer being met. It would create a state-mandated local program by requiring the assessor to mail a specified notice to certain applicants whose property is used exclusively by government and has been exempted pursuant to a specified statute. It would also create a state-mandated local program by providing that, upon any indication that exemption has been incorrectly granted, the assessor shall redetermine eligibility for exemption and immediately cancel the exemption of any portion of the property determined to be ineligible. It would provide for an escape assessment on the incorrectly exempted property, and would also provide for penalties, as specified, for failure to make required notifications to the assessor.

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

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

Ch. 719 (AB 2667) Eastin. Contractors: employees defined: deductions from wages.

(1) Existing law defines "employee," for purposes of disability insurance and unemployment insurance withholding, to include those individuals who are employees of a person who holds a valid state contractor's license.

This bill would expand this definition of employee to include individuals who are employees of persons who are required to obtain a valid state contractor's license, thereby extending the duty to deduct unemployment insurance and disability insurance from wages to those who are required to obtain a contractor's license as well as those who already hold a valid contractor's license.

(2) Existing law also contains a definition of "employee" for purposes of personal income tax withholding.

This bill would, further define "employee," for purposes of personal income tax withholding requirements, to include those workers employed by persons who hold a valid contractor's license, or by persons who are required to obtain a contractor's license.

(3) Existing law provides that if the failure of the employing unit to file a specified return within the time required by statute or regulations or if any part of the deficiency for which an assessment is made is due to fraud or an intent to evade statutes or regulations, a penalty of 25% of the amount of contributions assessed shall be added to the assessment. Existing law further provides that the amount of each assessment, exclusive of penalty, shall bear interest at the adjusted annual rate and by a prescribed method.

This bill would increase this penalty from 25% to 50% of the amount of contributions assessed, and would delete the exclusion of penalty amounts from the amount of each assessment subject to bearing interest.

(4) The existing Personal Income Tax Law and the Unemployment Insurance Code authorize the imposition of a specified penalty if any person or entity fails to report amounts paid as remuneration for personal services, but does not permit the imposition of the penalty under both laws at the same time. Existing law also authorizes the imposition of a penalty where any person or employer furnishes a false or fraudulent withholding statement to an employee.

This bill would permit the penalty for failure to report amounts paid for remuneration for personal services to be assessed in lieu of, or in addition to, the penalty for furnishing a false or fraudulent withholding statement to an employee. It would also provide that specified penalties shall become due and payable on the date of the notice by the Director of Employment Development to the taxpayer of the amount due.

Ch. 720 (AB 2674) Roos. Medi-Cal: targeted case management.

Existing law provides for basic health care services through the Medi-Cal program, which is administered by the State Department of Health Services and funded in part by the federal government based on a state plan.

Existing law also provides for the Adolescent Family Life Program which delivers specified services, including case management, to pregnant adolescents.

This bill would require the department to amend the state plan to add targeted case management services, as defined, as a covered benefit under Medi-Cal, in those areas served by the Adolescent Family Life Program, for those pregnant and parenting adolescents and their children targeted by the department. The department would be required to submit the plan for federal approval by April 1, 1991.

Implementation of these provisions would be contingent upon approval of the plan for federal assistance, and subject to the availability of funding through the budget process.

This coverage by Medi-Cal for targeted case management for pregnant and parenting adolescents would be implemented as a demonstration program in 6 of the adolescent family life programs for an initial period not to exceed 2 years. After this initial 2-year period, the department would have discretion to continue, expand, or terminate the

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program based on specified measures of the program's effectiveness.

This bill would further state the intent of the Legislature to maintain the level of state funding provided to the Adolescent Family Life Program so that additional funding made available by federal Medi-Cal participation would allow money from the General Fund to be used to expand that program.

Ch. 721 (AB 2756) Costa. Pest control: research facility.

Existing law provides for the eradication and control of pests and for pest control research.

This bill would require the Department of Food and Agriculture to conduct a study on the desirability and feasibility of establishing an Exotic Pest Research Containment Facility. The facility would conduct exotic pest research and perform additional activities with respect to the administration, training, service, and diagnostics relating to exotic pests, as prescribed, and would be required to report its findings and recommendations to the Legislature, not later than January 1, 1992.

Ch. 722 (AB 2775) Hauser. Sea urchins: fees.

(1) Existing law requires, until January 1, 1991, that every person who is required to pay a landing tax for sea urchins taken for commercial purposes, pay an additional tax which is required to be used for a specified enhancement program and a specified study by the Department of Fish and Game on the health of the sea urchin fishery.

This bill would extend the payment of that tax to January 1, 1992, and would require 60% of the revenues to be used for the specified enhancement program and the remaining 40% for research and management activities to monitor and maintain the sea urchin resource. The bill would also increase the composition of the Commercial Sea Urchin Advisory Committee from 10 to 12 members, as specified, and extend the existence of that committee to January 1, 1992. The bill would also require the department to submit a report to the Legislature on specified matters relating to sea urchins.

Existing law requires the department to study or contract for a study to determine the health of the sea urchin fishery and to report its findings and recommendations to the Legislature on or before January 1, 1991. Existing law provides for the repeal of this provision on January 1, 1991.

The bill would extend the period in which the department is to determine the health of the sea urchin fishery from January 1, 1991, to January 1, 1992, and would delete the requirement that the department report its findings and recommendations on or before January 1, 1991.

Existing law makes a violation of the Fish and Game Code, generally, a misdemeanor. Because this bill would extend the period for the payment of the landing tax for sea urchins, the violation of which would be a crime, it would impose a state-mandated local program.

Existing law continuously appropriates the money in the Fish and Game Preservation Fund to the department to carry out the Fish and Game Code. Because this bill would impose new duties on the department and provide for the deposit of additional moneys in the fund, it would make an appropriation.

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

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

Ch. 723 (AB 2782) Wright. Property taxation: escape assessments: proration.

Existing property tax law provides that where real property has escaped assessment, and has been transferred or conveyed to a bona fide purchaser for value subsequent to July 1 of either the year of escape or the proper year for assessment, that the escape assessment shall be entered on the unsecured roll in the name of the person who would have been the assessee in the year in which it escaped assessment.

This bill would provide, where a county board of supervisors has by resolution so opted, that when real property has been transferred or conveyed to a bona fide pur-

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chaser for value subsequent to July 1 of either the year of escape or the proper year for assessment, that taxes resulting from escape assessments shall be prorated, as specified, between the person who would have been the assessee if the change in ownership had not occurred and the person or persons who purchased the property.

Ch. 724 (AB 2950) Farr. School development plans.

Existing law authorizes the establishment of school development plans for purposes that include the improvement of instructional practices, the strengthening of subject matter knowledge, and the improvement of support services based on a continuing examination of instruction and learning in the subject areas offered by each public elementary or secondary school.

This bill would require that the continuing examination of instruction and learning include any research based on classroom experience that is conducted by teachers, as specified.

Ch. 725 (AB 2966) Polanco. Accessibility to emergency services information.

Existing law requires the Office of Emergency Services to perform various activities concerning preparedness for, and the provision of, services during natural disasters. These activities include coordination with state and local agencies.

This bill would require the Office of Emergency Services to work with advocacy groups representing the deaf and hearing impaired, California television broadcasters, city and county emergency services coordinators, and, as appropriate, the Federal Emergency Management Agency and the Federal Communications Commission, to improve communication with deaf and hearing-impaired persons during emergencies, including the use of open captioning by California television broadcasters when transmitting emergency information.

The bill would also require the office to investigate the feasibility of, and the funding requirements for, establishing a "Digital Emergency Broadcast System" network, to be used by local and state government agencies for the provision of warnings and instructions in digital or printed form to California broadcast outlets for relay to the public both orally and visually, through television, and orally, through radio, during emergencies.

The bill would require the office to investigate the feasibility of establishing a toll-free 800 telephone hotline, which would be accessible to the public, including deaf, hearing impaired, and non-English speaking persons, for use during nonemergency and emergency periods to respond to inquiries about emergency preparedness and disaster status.

The bill would require the office to prepare and submit to the Legislature, on or before December 31, 1991, a report on its activities and investigations required by the bill.

Ch. 726 (AB 2987) Quackenbush. Health facility construction loan insurance: defaults: debentures.

Existing law, the California Health Facility Construction Loan Insurance Law, authorizes the Office of Statewide Health Planning and Development to insure health facility construction, improvement, and expansion loans. Upon receiving notice of the default of any loan insured, this law also authorizes the office, for the purpose of avoiding foreclosure, to acquire the loan and security agreement securing the loan upon the issuance to the lender of debentures in an amount equal to the unpaid principal balance of the loan and any accrued unpaid loan interest plus reimbursement for specified costs and attorney's fees of the lender.

Existing law requires the debentures issued to be in the form and denomination in multiples of $1,000, and any difference between the value of the loan and the aggregate face value of the debentures issued to be adjusted by the payment of cash, as specified. Existing law also requires the debentures to be dated with specified dates or as of a later date as the office, in its discretion may establish by regulation, and requires the debentures to bear interest payable semiannually on specified dates.

This bill would delete the requirements that the debentures be issued in multiples of $1,000 and any difference to be adjusted by the payment of cash. This bill also would, instead, require the debentures to be dated with specified dates or as of another date as the office, in its discretion, may establish, and the interest to be payable on the dates

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as the office, in its discretion, may establish.

Ch. 727 (AB 3045) Speier. Income tax returns: spouse's signature: crime.

The existing Personal Income Tax Law provides for the filing of specified tax forms and provides penalties for specified violations, including certain criminal penalties for the making of a false or fraudulent return.

This bill would require the Franchise Tax Board, in preparing tax forms under that law, to include a statement adjacent to the signature line of returns to be filed by a married individual which specifies that it is unlawful to forge a spouse's signature. It would also make it a misdemeanor, as specified, for any individual to sign his or her spouse's name on any income tax return, or any schedules or attachments thereto, without the consent of the spouse, as specified. By creating a new crime, the bill would impose a state-mandated local program.

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

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

Ch. 728 (AB 3070) Lewis. Real estate.

(1) Existing law authorizes the Real Estate Commissioner to require that materials used in obtaining advance fee agreements be submitted to the commissioner at least 5 days before they are used and if the commissioner finds them misleading, to order, within 5 days of their receipt, that they may not be used. Existing law also provides that if disapproval of a proposed real estate advertisement is not communicated by the Department of Real Estate within 10 calendar days after receipt, the proposed advertisement shall be deemed approved, except as specified.

This bill would change and extend these time periods from 5 days to 10 calendar days, and from 10 calendar days to 15 calendar days.

(2) Existing law defines "sale," "resale," and "exchange," for purposes of defining a real estate broker, as every disposition of any interest in a real property sales contract or promissory note secured by a lien on real property.

This bill would exclude from that definition the original issuance of a promissory note by a borrower or a real property sales contract by a vendor, as specified.

(3) Existing law requires the Real Estate Commissioner to waive the educational requirements for taking the real estate salesperson's examination if the applicant is a member of the State Bar or has completed an equivalent course of study, as specified.

This bill would also require such a waiver with respect to a person who has qualified to take the real estate broker's examination, as specified.

(4) One provision of existing law requires that an application by an aggrieved person to the Department of Real Estate for payment from the Recovery Account be delivered in person or by certified mail to an office of the department and that a copy of the application be served on the judgment debtor, as specified, not later than one year after the judgment has become final. Another provision requires that the aggrieved person serve a prescribed notice, together with a copy of the application, on the judgment debtor.

This bill would delete the requirement from the 1st provision that a copy of the application be served on the judgment debtor within one year.

Ch. 729 (AB 3071) Lewis. Real estate brokers.

Existing law exempts from licensure as a real estate broker specified persons while engaged in certain enumerated acts.

This bill would exempt from certain provisions of the Real Estate Law relating to business opportunities and hence from licensure as a real estate broker any person who engages in specified acts for another or others in connection with the sale, purchase, or exchange of radio, television, or cable enterprises, as specified.

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Ch. 730 (AB 3103) Jones. Cotton.

(1) Existing law establishes a one-variety cotton district and requires the Acala Cotton Board, among other things, to regulate the planting and growing of Acala cotton in the district, establish the Acala quality standard for all cotton grown within the district, review test data and approve for release and planting cotton varieties which meet the existing Acala quality standard but which are superior in some respect, as determined by the board, and conduct or commission tests for cotton production and quality evaluation, as specified.

This bill would rename this district and the board as the San Joaquin Valley Quality Cotton District and the San Joaquin Valley Cotton Board, respectively. The bill would permit, under prescribed regulations, the planting and growing of Pima cotton in that district, in addition to Acala cotton and would permit the board to exercise the same powers with respect to Pima cotton as it does with respect to Acala cotton.

(2) Existing law requires the board to conduct a referendum whenever the board proposes substantive changes in the Acala quality standard.

This bill would also permit the board to determine issues that are in the best interests of the cotton industry in the district, which shall not be limited to the growing of cotton other than Acala and Pima, and to authorize referendums among all the cottongrowers in the district to vote upon those issues.

(3) Existing law requires that a referendum of all cottongrowers within the district be conducted once every 4 years if a specified percentage of the cottongrowers in the district submit a petition to the director which calls for a referendum.

This bill would delete the provision which limits the conduct of the referendum to once every 4 years.

The bill would revise the procedure for the certification of cottonseed delinted for planting within the district.

(4) The bill would impose a state-mandated local program by creating new crimes.

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

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

Ch. 731 (AB 3105) Clute. Coordination of programs: pregnant and parenting teens.

Under existing law, there are various state-funded programs conducted by school districts or county superintendents of schools to provide services to pregnant minors and instruction on family relationships and parenting.

Existing law requires the Superintendent of Public Instruction to give the highest funding priority to the awarding of new and continuing funds for school districts, consortiums of school districts, or county superintendents of schools, to the extent the districts or superintendents satisfy the criteria and standards that the State Department of Education may establish for the award of new and continuing funds, and have a plan, approved by the Superintendent of Public Instruction in accordance with specified criteria and standards, for coordination of programs serving pregnant and parenting teens.

Existing law requires the superintendent to report to the Legislature on the barriers to the coordination of programs serving pregnant and parenting teens.

This bill would require the superintendent to submit the report by June 30, 1993.

This bill would also make a technical change.

Ch. 732 (AB 3108) Farr. Environmental quality: projects: consultation requirements.

Under existing law, prior to completing an environmental impact report, a lead state or local agency is required to consult with, and obtain comments from, each responsible agency and any public agency which has jurisdiction by law with respect to the project, and any city or county which borders on a city or county within which the project is located.

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This bill would impose that requirement unless otherwise designated annually by agreement between the state or local lead agency and the city or county.

Ch. 733 (AB 3117) Moore. Insurance: mammography.

Existing law imposes a requirement upon individual or group health care service plan contracts, individual or group policies of disability insurance or self-insured employee welfare benefit plans, and individual or group nonprofit hospital service plan contracts, as specified, to provide mammography coverage as part of existing mastectomy, prosthetic, and reconstruction coverage, upon referral of the patient's physician.

This bill would specify that the requirement is applicable upon the referral of a nurse practitioner, certified nurse midwife, or physician, providing care to the patient and operating within the scope of practice provided under existing law.

Ch. 734 (AB 3188) Mountjoy. Explosives.

(1) Under existing law, the State Fire Marshal is required to prepare and adopt prescribed regulations, including, but not limited to, building standards relating to the sale, use, handling, possession, and storage of explosives. Existing law requires prescribed state and local officers to enforce these regulations.

This bill would establish standards relating to size, form, contents, and location of caution placards to be placed on or near storage facilities for class A and B explosives, as specified. Since violation of these regulations would be a crime, this bill would impose a state-mandated local program by expanding the scope of the crime. The bill also would provide that any person who violates any of the requirements prescribed pursuant to those regulations or other specified regulations to be assessed a civil penalty of up to $1,000 for each violation, thereby creating a state-mandated local program.

(2) Existing law requires a permit to be obtained from a local issuing authority, as defined, prior to engaging in various activities related to explosives.

This bill would prohibit an issuing authority from issuing a permit authorizing the handling or storage of class A or B explosives in a building, unless the building has caution placards which meet the standards established, as described in paragraph (1), thereby imposing a state-mandated local program.

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

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

However, the bill would provide that, if the Commission on State Mandates determines that this bill contains other costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be payable from the State Mandates Claims Fund.

Ch. 735 (AB 3269) Bentley. Vehicle dealers: consignment sales.

(1) Existing law regulates the activities of motor vehicle dealers and requires that they be licensed by the Department of Motor Vehicles, but does not prescribe any particular contract to be used by a dealer engaging in consignment transactions.

This bill would require any dealer engaging in a consignment, as defined, to execute a prescribed consignment agreement containing specified terms, phrases, conditions, and disclosures. The dealer's failure to complete and comply with the terms of the consignment form for a vehicle which the dealer agrees to accept on consignment, or to pay the agreed amount to the consignor or the consignor's designee within 20 days after the date of sale of the vehicle, would be cause to suspend or revoke the dealer's license. Because a violation of the provisions would be a misdemeanor, the bill would impose a state-mandated local program by creating a new crime.

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

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

Ch. 736 (AB 3469) Johnston. Insurance: automobile physical damage.

Existing law does not require insurers to inspect passenger automobiles prior to the issuance of collision and comprehensive coverage for those automobiles.

This bill would require that inspection, commencing January 1, 1992, as specified, except in certain circumstances. The bill would require the inspection to be recorded on an inspection report adopted by the Insurance Commissioner.

Ch. 737 (AB 3596) Polanco. Seriously emotionally disturbed children.

Under existing law, a seriously emotionally disturbed child may be placed in a residential facility pursuant to an individualized education program. Case management for these placements is provided by the county mental health department.

This bill would require a local mental health department placing a child out of state under these provisions to report to the Director of Mental Health, summarizing its efforts to locate a placement within the state. It would also require the director, in consultation with the Superintendent of Public Instruction and other appropriate agencies, to prepare a report to the Legislature by June 1, 1992, on the out-of-state placement of seriously emotionally disturbed children during the 1991 calendar year.

This bill would impose a state-mandated local program by requiring local mental health departments to report on their activities in the placement of seriously emotionally disturbed children.

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

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 738 (AB 3611) Hansen. Wildlife habitat: northern Napa County.

Under the California Wildlife, Coastal, and Park Land Conservation Act, the sum of $1,000,000 is available for acquisition of wildlife habitat along the East Shore of Lake Berryessa.

This bill would instead make those funds available for acquisition of wildlife habitat in northern Napa County.

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

Ch. 739 (AB 3616) Kelley. Water: agricultural efficient water management.

(1) Under existing law, certain agricultural water suppliers are required to prepare and adopt, in accordance with prescribed requirements, an agricultural water management plan meeting specified guidelines.

This bill would require the Department of Water Resources to establish an advisory committee, as prescribed, to review and study potential efficient water management practices, as defined, for agricultural water suppliers, as defined, to determine which are feasible to achieve water conservation, as defined. The bill would require the department to offer assistance, as specified, to agricultural water suppliers to implement efficient water management practices to improve the efficiency of water use.

(2) Under existing law, the Colorado River Board of California is required to maintain an office in the City of Los Angeles.

This bill would, instead, require the board to maintain an office in the County of Los Angeles.

Ch. 740 (AB 3628) Wright. Vietnam Veterans Memorial: interpretive program.

Under existing law, there is a memorial to California's Vietnam veterans on the

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grounds of the State Capitol. The design, construction, and dedication of the memorial was carried out by the Vietnam Veterans Memorial Commission from private donations, including contributions designated by taxpayers on their income tax returns, as authorized by law. These donations are deposited in the Vietnam Veterans Memorial Account in the General Fund which is continuously appropriated, as provided, including an allocation to the commission for construction of the memorial and the recordation of additional names on, and the repair of, the memorial.

This bill would authorize the allocation of money in the account to the commission for the maintenance and operation, as well as the construction, of the memorial, and would specifically include within "operation" developing and publishing informational brochures for the memorial, producing an informational film about the memorial, and conducting tours of the memorial. By expanding the purposes for which money in the fund could be expended, the bill would make an appropriation.

This bill would incorporate additional changes to Section 18515.2 of the Revenue and Taxation Code proposed by SB 1925 if both bills are chaptered and this bill is chaptered last.

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

Ch. 741 (AB 3636) Katz. Schoolbus, school pupil activity bus, youth bus, and general public paratransit driver certificates: sex offenses.

Existing law requires a driver certificate, issued by the Department of Motor Vehicles, for the operation of a schoolbus, school pupil activity bus, youth bus, or general public paratransit vehicle, and requires the department to deny the issuance of or revoke that certificate if the applicant or certificate holder, as specified, has been convicted of, among other things, a sex offense, as defined in the Education Code.

This bill would permit the department to temporarily suspend, or withhold the issuance of, the certificate, if the holder or applicant is arrested for or charged with a sex offense, as defined in the Education Code. The bill would require the department, upon request of the certificate holder, to conduct a hearing on the suspension or withholding, as specified

Ch. 742 (AB 3640) Hansen. Supported Employment Loan Guarantee Program

Existing law provides for a supported employment loan guarantee program, administered by the Department of Rehabilitation and funded by the Supported Employment Revolving Loan Guarantee Account which is within the Rehabilitation Revolving Loan Guarantee Fund, to assist employers and employees with disabilities to purchase durable equipment, adaptive aids, and assistive devices in order to engage in supported employment. Existing law further provides that in recommending eligibility for a loan from this account for an employee, the department shall make any loan guarantee contingent upon the employment of the person and upon a determination that the person reasonably can be expected to repay the loan given the expected income.

This bill would change the name of this account to the Supported Employment and Adaptive Technology Revolving Loan Account, and would make conforming changes. It would also broaden the eligibility requirements for a loan by including persons wishing to live independently, deleting the contingency that the person be employed, and including resources in addition to income as one of the factors in determining whether the person can repay the loan.

Under existing law, the Rehabilitation Revolving Loan Guarantee Fund is continuously appropriated for the purpose of providing transportation and adaptive devices to persons with disabilities for employment purposes.

This bill would make an appropriation by additionally making that fund available for the purchase of adaptive devices to permit persons with disabilities to live more independently.

Ch. 743 (AB 3675) Farr. Wild animals: confinement regulations.

Existing law authorizes the Fish and Game Commission to adopt regulations establishing standards for the possession of wild animals, as specified. Existing law also requires building standards or administrative regulations that implement or enforce a building

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standard to be submitted to, and approved by, the State Building Standards Commission.

This bill would provide that the regulations of the Fish and Game Commission relating to the construction, fixtures, and other minimum caging standards adopted by the commission for the confinement of live wild animals, as specified, are not building standards, which are subject to approval of the State Building Standards Commission.

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

Ch. 744 (AB 3688) Hauser. Ragle Ranch Regional Park.

Under existing law, the Department of Parks and Recreation provides grant funds to various local agencies for park and recreational purposes.

This bill would permit a senior services center to be constructed on land acquired for the Ragle Ranch Regional Park pursuant to a grant from the state.

Ch. 745 (AB 3706) Hauser. Salmon: high seas interception.

(1) Existing law provides for the regulation of the taking of salmon from the waters within the jurisdiction of the state or the federal government.

This bill would make it unlawful to perform various specified acts of trafficking, providing specified information, or assisting vessels, except as prescribed, in connection with the unauthorized taking of salmon for commercial purposes outside of the United States 200-mile fishery conservation zone.

Existing law would make the violation of these provisions a misdemeanor, and, thus, the bill would impose a state-mandated local program by creating new crimes.

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

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

Ch. 746 (AB 3787) Leslie. Board of Speech-Language Pathology and Audiology Licensure.

Existing law provides procedures for the licensure of speech pathologists and audiologists and the registration of speech pathologist aides and audiologist aides by the Speech Pathology and Audiology Examining Committee under the jurisdiction of the Division of Allied Health Professions of the Medical Board of California.

This bill would rename the Speech Pathology and Audiology Examining Committee the Speech-Language Pathology and Audiology Examining Committee and would make conforming changes to existing law. In addition, this bill would do all of the following:

(1) Revise the education requirements of applicants for licensure as a speech-language pathologist or audiologist to provide that at least 24 of the required 60 semester units be related to specified disorders related to speech-language pathology or audiology and that the 60-unit requirement does not include credit for thesis, dissertation, or clinical practice.

(2) Increase the number of days for which a speech-language pathologist or audiologist who holds a license from another state or territory of the United States or who holds equivalent qualifications and has made application to the board for a license in this state is authorized to practice speech-language pathology or audiology to a period not to exceed 150 days, rather than 90 days.

(3) Specify that any professional experience of an applicant that is to be obtained in a setting that is not exempt from specified licensure requirements is to be approved in advance by the committee.

(4) Require the committee to keep an accurate transcript of any oral examination as well as any written examination as a part of its records for at least 2 years, rather than one year, following the date of the examination.

(5) Provide that the division may, in addition to refusing to issue, suspend, or revoke a license, issue a license subject to terms and conditions if the applicant is guilty of unprofessional conduct, as specified.

(6) Rename the Speech Pathology and Audiology Examining Committee Fund, a continuously appropriated fund, into which all revenue is received pursuant to these

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provisions, the Speech-Language Pathology and Audiology Examining Committee Fund.

(7) Authorize a person who fails to renew his or her license within 5 years after its expiration to apply for and obtain a new license if he or she has not committed specified acts or crimes, takes and passes necessary examinations, and pays all required fees, as specified.

Ch. 747 (AB 3803) N. Waters. Fish and game: sales.

(1) Existing law prohibits the sale or purchase of fish or amphibia taken under a sportfishing license and the sale or purchase of a bird or mammal, or part thereof, taken under a hunting license.

This bill would, instead, prohibit the sale or purchase of fish or amphibia, as specified, except as provided in the Fish and Game Code or by regulation. The bill would also prohibit the sale or purchase of any bird or mammal, or part thereof, except as provided in the Fish and Game Code.

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

Because violations of the Fish and Game Code are, generally, misdemeanors, this bill would impose a state-mandated local program by creating new crimes.

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

Ch. 748 (AB 3813) Lewis. Banks: holding companies.

Existing provisions of the California Interstate (National) Banking Act of 1986 will become operative January 1, 1991. Under that act, a foreign bank holding company will be authorized to acquire California banks or interests in California banks under certain circumstances.

This bill would revise various definitions applicable to that act. It would define "bank holding company" to include any foreign bank. It would revise the definition of "California bank holding company" to delete a requirement that the head office be located in California. It would exclude individuals from the definitions of "company."

The bill would set forth provisions setting forth the home state of foreign (other nation) banks and bank holding companies, and foreign (other state) banks.

The bill would exempt certain forms of ownership from the definition of control of a company.

Existing provisions of the California Interstate (National) Banking Act of 1986 authorize certain acquisitions by a foreign bank holding company, with the approval of the Superintendent of Banking, notwithstanding the general prohibition of those acquisitions.

This bill would recast a portion of those provisions to permit the acquisition or ownership of more than 5% of the voting shares of a California bank or California bank holding company, with that approval. It would also permit the acquisition of all or substantially all of the assets of a California bank, and the assumption of deposits of a California office of a California bank, with that approval.

Existing provisions of the California Interstate (National) Banking Act of 1986 prohibit a foreign bank holding company from engaging in certain acquisitions, except as otherwise permitted by the act. Among other things, it prohibits the acquisition of more than 50% of the assets of any California bank or California bank holding company.

This bill would recast that provision to prohibit the acquisition of all or substantially all of the assets of any California bank, and to prohibit the assumption of deposits of a California office of a California bank.

Existing provisions exempt from the above-mentioned prohibitions on acquisitions certain transactions involving a bank or bank holding company that has, or is controlled by a company that has, its head office located, or its operations principally conducted, outside the United States.

This bill would repeal that exemption, and would instead exempt certain acquisitions in a fiduciary capacity, or in the regular banking business, or certain mergers or consoli-

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dations of a California bank with another California bank, and certain mergers of a foreign bank holding company with a California bank or California bank holding company in which the California bank or California bank holding company is the surviving corporation, and certain other criteria are met.

The bill would require the superintendent's approval for certain acquisitions of shares, and would impose a fee that would be deposited in the State Banking Fund, a continuously appropriated fund, resulting in an appropriation.

The bill would authorize the superintendent to provide additional information to regulatory authorities or other jurisdictions.

Ch. 749 (AB 3877) Woodruff. Juveniles: determining age.

Existing law provides that any person who is under the age of 18 years when he or she violates any law of this state or of the United States or any ordinance of any city or county of this state defining a crime, other than an ordinance establishing a curfew based solely on age, is within the jurisdiction of the juvenile court, which may adjudge that person to be a ward of the court.

Under existing law, a juvenile court may find that a minor who was 16 years of age or older at the time of his or her commission of a crime is not a fit and proper subject to be dealt with under the juvenile court law, as specified. Moreover, a minor 16 years of age or older who commits any one of specified listed crimes is presumed not to be a fit and proper subject to be so dealt with, as specified.

This bill would provide that when the age of any person who may come under these provisions is at issue and the court finds that a scientific or medical test would be of assistance in determining the person's age the court may consider ordering an examination of the minor using the method described in "The Permanent Mandibular Third Molar" from the Journal of Forensic Odonto-Stomatology, Vol. 1: No. 1: January–June 1983. This procedure for the determination of the age of the person before a court would also apply in any case where the age of a person before the juvenile court on the basis of noncriminal conduct (a so-called "status offender") is at issue, and in specified other proceedings.

Ch. 750 (AB 3928) Jones. Eggs: production and marketing.

Existing law provides for the regulation of the production and marketing of eggs. A violation of these provisions, and the regulations adopted pursuant thereto, is a misdemeanor, with prescribed punishment.

This bill would make only certain violations unlawful acts or certain repeat violations misdemeanors, and would prescribe the punishment for those cases. The bill would authorize the Director of Food and Agriculture to bring a civil action for violating designated provisions, or the regulations adopted pursuant thereto, in lieu of seeking prosecution of the matter as a misdemeanor and would make any person liable civilly in an amount not to exceed $1,000 for these violations. Any money recovered pursuant to these provisions would be deposited in the Department of Food and Agriculture Fund, to be used by the department in administering the provisions relating to the production and marketing of eggs.

The bill would prohibit, with prescribed exceptions, any state or local official from commencing legal prosecution of a handler to enforce these provisions until a hearing is held on the violation. The bill would revise the nuisance abatement provisions with respect to eggs and their containers.

Ch. 751 (AB 3956) Woodruff. Boating safety: flags.

(1) Existing law authorizes the Department of Boating and Waterways to adopt rules and regulations for the uniform navigational marking of the waters of the state. Pursuant to that authority, regulations have been adopted recognizing the purposes for which a ski flag is used. Violation of these regulations is a misdemeanor punishable by a specified fine or imprisonment, or both.

This bill would, with specified exceptions, make it an infraction for the operator of a vessel involved in towing a skier to fail to display or cause to be displayed a ski flag when specified conditions exist, thereby imposing a state-mandated local program by creating

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a new crime. This bill would make the Colorado River Crime Enforcement Compact inapplicable to acts prohibited by the bill.

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

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

Ch. 752 (AB 4000) Roybal-Allard. Domestic Violence Prevention Act.

(a) Existing law, the Domestic Violence Prevention Act, permits family or household members to petition for a temporary restraining order to prevent domestic violence both ex parte and upon notice and hearing, as specified.

This bill would revise and recast that law to do, among other things, all of the following:

(1) Revise and recast the definitions of abuse and domestic violence and would define cohabitant, former cohabitant, and protective order.

(2) Provide that the petition, the temporary order, and the order after the hearing is valid and enforceable without explicitly stating identifying information.

(3) Authorize a court to order a restrained party to participate in batterer's treatment counseling, as specified, and provide that the court shall order the costs of the counseling services to be borne by the parties as the court deems reasonable.

(4) Provide that the court shall order the county clerk to provide, without cost, to the petitioner, certified and stamped copies of any order, and the extension, modification, or termination of any such order, and would require the petitioner or the attorney for the petitioner to deliver, or the clerk to mail, a copy thereof by the close of the business day on which it was granted to specified local law enforcement agencies and other locations, as described, thereby imposing a state-mandated local program

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

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 753 (AB 3192) Murray. Mental health: facilities licensing.

(1) Existing law requires that new or renewal licensure application fees for private psychiatric health facilities be set at a specified amount and collected by the State Department of Mental Health.

This bill would authorize the department to increase fees to all private psychiatric health facilities to cover increased workload and costs, if additional private facilities seek new licensure on or after January 1, 1991

(2) Existing law provides that psychiatric health facilities, as defined, shall only be licensed by the State Department of Mental Health subsequent to application by counties, contract providers, or other organizations, pursuant to a specified procedure.

Existing law also provides that the department shall approve the program aspects of these facilities only if the average per diem charges or costs of service provided in the facility is approximately 60% of the average per diem charges or costs of similar psychiatric services provided in a general hospital.

This bill would exempt certain public or private facilities from that requirement and would, instead, require the department, when a private facility is federally certified or accredited by a nationally recognized commission, or when a public facility is federally certified and serves a specified proportion of Medi-Cal patients, to approve the program aspects only if the average per diem charges or costs of service provided in the facility do not exceed approximately 75% of the average per diem charges or costs of similar psychiatric services provided in a psychiatric or general hospital, but would authorize

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the department to set a lower rate for a private or public facility if so required by the federal Health Care Financing Administration as a condition for the receipt of federal matching funds.

Pursuant to existing law, these provisions become inoperative July 1, 1993, and are repealed January 1, 1994

This bill would extend the inoperative date to July 1, 1997, and extend the repeal date to January 1, 1998.

Ch. 754 (AB 2708) Hansen. Appointed counsel: county costs.

(1) Under existing law, the cost of counsel appointed by the court to represent the interests of a minor in a custody or visitation hearing is split between the parties as the court deems just.

This bill would provide that the court, upon its own motion or that of a party, shall determine if the parties are financially unable to pay all or a portion of the cost of such counsel. The portion which the court finds the parties are unable to pay would be paid by the county, thereby imposing a state-mandated local program. The bill would require the Judicial Council to adopt financial eligibility guidelines to assist the courts in making these determinations

(2) Existing law defines court operations for purposes of the Brown-Presley Trial Court Funding Act, and requires an option county under the act to appropriate specified funds for court operations.

This bill would add the costs of counsel appointed to represent a minor in a custody or visitation hearing to the definition of court operations for purposes of the Brown-Presley Trial Court Funding Act.

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

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 755 (AB 2311) Jones. Rural health facilities.

Existing law permits the Office of Statewide Health Planning and Development to conduct pilot projects in any specific small or rural hospital or group of small or rural hospitals permitting the use of alternate concepts, methods, procedures, techniques, equipment, personnel, personnel qualifications, or physical plant standards These pilot projects, under existing law, are permitted to also include the development of alternative rural hospital models.

This bill would require the office, in consultation with the Small and Rural Hospital Advisory Committee, to develop and submit to the federal government a grant application on behalf of the State of California which meets the requirements of the Omnibus Budget Reconciliation Act of 1989, seeking to have California designated as one of the states to develop rural health care plans and designating hospitals and facilities as Essential Access Community Hospitals (EACH) or as Rural Primary Care Hospitals (RPCH), and once California is selected, and the grant is received, to designate general acute care hospitals, as defined pursuant to existing provisions, as EACH and RPCH facilities

Ch. 756 (AB 3453) Leslie. Child abuse prevention programs.

Existing law establishes the Office of Child Abuse Prevention in the State Department of Social Services, and provides that the office may fund various programs relating to child abuse prevention and authorizes the office to establish pilot projects, operative only to the extent federal funding is available for research, prevention, identification, and treatment of child abuse.

This bill would delete the provisions relating to the establishment of pilot programs relating to child abuse and would require the Office of Child Abuse Prevention to

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conduct certain activities relating to child abuse prevention which were conducted by the pilot projects.

The bill would also require the office to conduct research and collect data relevant to the effectiveness of child abuse prevention programs.

Existing law states the intent of the Legislature that the Office of Child Abuse Prevention shall make every attempt to qualify the pilot projects relating to child abuse prevention for specified federal funding.

This bill would instead require that office to make every attempt to make activities conducted by the office qualify for federal funding in general.

Existing law requires the Office of Child Abuse Prevention to report to the Legislature and the Governor on office activities on January 1, of each even-numbered year.

This bill would repeal that requirement.

Ch. 757 (AB 2776) N. Waters. Vertebrate pest control.

(1) Existing law provides for the control and eradication of various pests and regulates the use of pesticides and economic poisons for those purposes.

This bill would require the Director of Food and Agriculture to establish and administer a research program to control vertebrate pests, as defined, which pose a significant threat to the welfare of the state's agricultural economy and the public.

The bill would require the director to establish the Vertebrate Pest Control Research Advisory Committee, with a prescribed membership, to recommend to the director priorities for conducting various vertebrate pest control research projects. The bill would require, with prescribed exceptions, each county agricultural commissioner to pay an assessment on the vertebrate pest control materials sold, distributed, or applied by the county for vertebrate pest control purposes, and thus, would impose a state-mandated local program by creating a new duty on local governments.

The bill would establish the Vertebrate Pest Control Research Account in the Department of Food and Agriculture Fund and would continously appropriate the money in the account to the director for purposes of carrying out the bill.

The bill would repeal its provisions on January 1, 1996.

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

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

Ch. 758 (AB 3023) Statham. Rehabilitation: Department of Rehabilitation.

(1) Under existing law, the Department of Rehabilitation provides vocational rehabilitation services, defined as certain services and, after full consideration of eligibility for any similar benefit, certain services and goods, for the benefit of disabled persons.

This bill would instead require full consideration of eligibility for any similar benefit to be utilized to the extent permitted by federal law in the provision of all vocational rehabilitation services, including services and goods, for the benefit of disabled persons.

(2) Existing law requires proposals for funding of supported employment programs and components by the Habilitation Services Program, administered by the department, to contain specified information, to be approved or disapproved based on specified criteria, and for the programs and components to be monitored by the program when necessary. These provisions become inoperative on October 1, 1990, and are repealed as of January 1, 1991.

This bill would extend the inoperative date to October 1, 1992, and the repeal date to January 1, 1993.

(3) Existing law provides for the Rehabilitation Appeals Board within the department, to consist of 7 members and to perform specified duties, which include the hearing of appeals which have been filed with the board, and with authority to hold special

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meetings when called by the chairperson.

This bill would specify that no member of the board may have a personal or financial interest that would affect his or her objectivity in matters before the board, that 3 members of the board would constitute a quorum, that special meetings be approved by the Director of Rehabilitation, and that the director, in consultation with the board, determine and provide necessary staff support and assistance for the board in carrying out its duties.

(4) Existing law sets forth the procedures to be followed when an applicant for, or client of, the department who is dissatisfied with any action of the department relating to his or her application or receipt of services, files for a review and redetermination by the department or a fair hearing before the board upon appeal, and when the board submits its recommended decision to the director for a final decision.

This bill would revise the procedures to be followed in the review, the hearing by the board, and the final decision by the director.

(5) Existing law requires factual information relating to eligibility provided solely by the applicant for, or client of, the department contained in applications and records made or kept by any public officer or agency in connection with any vocational rehabilitation program to be open for inspection by that applicant or client or one authorized by that person. In the event of a hearing, the attorney or authorized representative of the appellant may inspect the case record relating to that person.

This bill would, instead, require that information in that person's case record shall be disclosed to the person or his or her authorized representative upon request, except that medical, psychological, or other information which the department believes may be harmful to the person shall not be released directly to that person, but shall be provided through his or her authorized representative, including, but not limited to, a physician or a psychologist. It would require that all records kept by any public officer or agency in connection with any vocational rehabilitation program be open for inspection by the person or one authorized by the person. In addition, it would limit the authority to inspect the case record of the appellant to his or her authorized representative.

Ch. 759 (AB 3738) Chandler. Local transportation commission: Nevada County.

(1) Existing law requires the establishment of a local transportation commission in each county which is not within the jurisdiction of a statutorily created regional transportation planning agency or a council of governments, and prescribes the membership of local transportation commissions.

This bill would, for Nevada County, increase the membership of the local transportation commission by one, representing eastern Nevada County, as specified, appointed by the board of supervisors. In so doing, the bill would impose a state-mandated local program.

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

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

Ch. 760 (AB 3922) Sher. Beverage containers: glass and plastic.

Under existing law, the California Beverage Container Recycling and Litter Reduction Act, every beverage container sold or offered for sale in this state is required to have a minimum refund value of 5¢ for 2 beverage containers redeemed and 2¢ for every single or unpaid beverage container redeemed in a single transaction. A distributor is required to pay a redemption payment of 2¢ for every beverage container sold or offered for sale in the state. Existing law requires the Department of Conservation, under specified conditions, to establish a processing fee for beverage containers. The department is required to certify operators of recycling centers.

Existing law prohibits any person from paying a noncertified recycling center an amount for glass and plastic which exceeds the amount identified as the portion of the processing fee which are the costs for the recycler, as specified.

This bill would make a technical correction concerning that prohibition.

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Ch. 761 (AB 3924) Cannella. Home health agencies: employment agencies and nurses' registries.

(1) Existing law, the Employment Agency, Employment Counseling, and Job Listing Services Act, regulates the activities of employment agencies and nurses' registries, including prohibiting false, misleading, or deceptive advertisements or representations concerning the services provided by the agencies and registries. Existing law also provides that any person who violates the act is guilty of a misdemeanor.

This bill would prohibit an employment agency or nurses' registry from representing itself to be a home health agency, as defined, or to perform the services of a home health agency, as specified. This bill also would require employment agencies and nurses' registries to provide a written disclosure to individuals receiving nursing services in their place of residence, as specified. This bill would impose a state-mandated local program by changing the definition of the crime by adding the above prohibitions and requirements to the act.

(2) Existing law prohibits any private or public organization, political subdivision of the state, or other governmental agency within the state from providing, or arranging for the provision of, skilled nursing services to patients in the home without first obtaining a home health agency license from the State Department of Health Services. Existing law also specifies that it is not the intention of the Legislature to require a licensed nurses' registry performing its functions pursuant to specified provisions to secure a home health agency license unless it is performing the functions of a home health agency.

Existing law furthermore exempts from home health agency licensing requirements, until January 1, 1991, a licensed pharmacy engaged in providing, pursuant to the order of a physician and surgeon, parenteral or enteral therapies administered by a licensed registered nurse employed, or whose services are arranged for, by the pharmacy.

This bill would provide that it is not the intention of the Legislature to require that an employment agency or licensed nurses' registry performing its functions pursuant to the Employment Agency, Employment Counseling, and Job Listing Services Act to secure a home health agency license, unless it is performing the functions of a home health agency, and would make a related change to another provision. This bill also would provide that the above-described exemption applicable to licensed pharmacies shall remain in effect until January 1, 1992, or the effective date of regulations adopted by the department pursuant to specified provisions for those pharmacy services, whichever occurs first.

(3) This bill would incorporate further changes to Section 1726 of the Health and Safety Code, proposed by SB 2622 contingent upon the prior enactment of SB 2622.

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

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

Ch 762 (AB 3936) Wyman. Regional occupational centers or programs.

Under existing law, school districts meeting specified requirements are authorized to establish regional occupational centers or programs to provide education and training in vocational courses. Existing law requires that regional occupational centers or programs operated by a single district under certain waiver provisions of existing law be granted permanent status if the single district has previously been granted 2 waivers from the State Board of Education and the district maintains at least 3 but not more than 5 comprehensive high schools within the district.

This bill would authorize the State Board of Education to grant permanent status to the Kern Union High School District to operate a single district regional occupational center or program, if that status is requested in writing by the county superintendent of schools of Kern County and the governing board of that school district.

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Ch. 763 (AB 4029) Leslie. Sales and use taxes: exemptions: factory-built school buildings.

The existing California Sales and Use Tax Law imposes a state sales or use tax on the sale or use of tangible personal property in the state, unless the sale or use is exempted from the tax. The law provides an exemption from "gross receipts" and "sales price" of 60% of the sales price to the consumer in connection with the sale or use of a factory-built school building, as defined. It also provides that a purchaser of a factory-built school building shall be liable for the payment of tax measured by 60% of the sales price in specified circumstances.

This bill would modify the definition of factory-built school building and would delete the provisions relating to liability of the purchaser for taxes.

Under existing law, counties and cities are authorized to impose local sales and use taxes in conformity with state sales and use taxes. Exemptions from state sales and use taxes enacted by the Legislature are automatically incorporated into the local taxes. Section 2230 of the Revenue and Taxation Code provides that the state will reimburse counties and cities for revenue losses caused by enactment of sales and use tax exemptions.

This bill would provide that no appropriation is made and the state shall not reimburse local agencies for sales and use tax revenues lost by them pursuant to this bill.

This bill would take effect immediately as a tax levy

Ch. 764 (AB 4039) Kelley. Fish and game.

(1) The California Constitution requires money collected under any state law relating to the protection and propagation of fish and game to be used for activities relating thereto. Existing statutory law authorizes money paid to and retained in the county treasury resulting from fines and forfeitures imposed or collected for violations of any provision of the Fish and Game Code or regulations made pursuant to that code, or any other law providing for the protection or preservation of birds, mammals, fish, reptiles, or amphibia, to be expended for, among other things, educational and youth activities relating to fish and game.

This bill would revise and recast that statutory law to, instead, authorize that money to be expended for specified purposes relating to fish and wildlife, including expenditure by the Department of Fish and Game pursuant to an agreement with the county and expenditure by the county fish and wildlife commission of not more than 3% annually of the money in the county fish and game propagation fund for secretarial services, travel, and postage, when authorized by the board of supervisors. The bill would also prohibit and restrict specified uses of those funds.

The bill would authorize the department to audit, or require the county to audit, expenditures of those county funds, as specified, thereby imposing a state-mandated local program.

(2) Existing law continuously appropriates the money in the Fish and Game Preservation Fund to the department to carry out the Fish and Game Code.

Because this bill would authorize the use of money in that fund for additional purposes, the bill would make an appropriation.

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

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 765 (AB 4079) Pringle. Housing: mobilehomes and manufactured homes.

Under existing law, all new mobilehomes and manufactured homes sold to a buyer are required to be covered by a warranty as prescribed by law. Existing law requires this warranty from the manufacturer or dealer to the buyer to be set forth in a separate

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written document entitled "Mobilehome/Manufactured Home Warranty" and delivered to the buyer at the time the contract of sale is signed.

This bill would delete the requirement that the written document be entitled and would require the warranty to, in addition, include a reprint of the various provisions of law governing new mobilehome and manufactured home warranties.

Existing law defines recreational vehicle to mean a motor home, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation for recreational or emergency occupancy, which meets specified criteria.

This bill would include any other occupancy within that definition if it meets the existing criteria.

Existing law requires, for every sale by a dealer of a new or used mobilehome or manufactured home subject to registration, as specified, the dealer to execute in writing and obtain the buyer's signature on a purchase order, conditional sales contract, or other document evidencing the purchase contemporaneous with, or prior to, the receipt of any cash or cash equivalent from the buyer, and to establish an escrow account, as specified.

This bill would make these requirements applicable to every transaction by or through the dealer to sell or lease with the option to buy a new or used manufactured home or mobilehome subject to registration, as specified. Since violation of these provisions constitutes a misdemeanor, the bill would impose a state-mandated local program.

Existing law requires the purchase order, conditional sales contract, or other document to contain, among other things, a statement whether the purchase price includes or excludes the towbar, wheels, wheel hubs, tires and axles and, if so, the price thereof.

This bill would instead, require the purchase order, conditional sales contract, or other document to contain, among other things, a statement whether the purchase price includes or excludes the towbar, wheels, wheel hubs, tires and axles and, if they are not included in the purchase price, the price of each is to be listed.

Existing law requires any manufactured home, mobilehome, or commercial coach used as an office at a manufacturer's, distributor's, or dealer's established place of business to be registered by the Department of Housing and Community Development, unless installed on a foundation system, as specified.

This bill would, in addition, require those structures to be reported to the department, as specified Since violation of these provisions constitutes a misdemeanor, the bill would impose a state-mandated local program.

Existing law permits any person to request confidentiality of the home address of any person appearing in the information on current registration and title status maintained by the department. Existing law requires any person requesting confidentiality of their address to provide the department with an alternate address which is not confidential and which is open to public inspection.

This bill would require the owner requesting confidentiality to provide the department with a mailing address which is not confidential, which is open to public inspection, and which may be used for mailings by the department.

This bill would make other technical nonsubstantive changes to existing law.

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

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

Ch. 766 (AB 3582) Woodruff. Income taxes: penalties: failure to report.

Under the existing Personal Income Tax Law and under the existing Unemployment Insurance Code, if a person or entity fails to report amounts paid as remuneration for personal services, as specified, certain penalties may be imposed.

This bill would provide that in the event a penalty is imposed under both laws, only the penalty imposed under the Unemployment Insurance Code shall apply.

This bill would make other technical changes to provisions in the Personal Income Tax Law and the Bank and Corporation Tax Law relating to casualty losses and the adjusted annual rate of interest.

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This bill would incorporate additional changes in Section 17207 of the Revenue and Taxation Code, proposed by SB 2833, to be operative only if SB 2833 and this bill are both chaptered and become effective on or before January 1, 1991, and this bill is chaptered last.

Ch. 767 (AB 4034) Statham. Insurance retaliatory taxes.

Existing law requires that taxpayers subject to the insurance retaliatory tax file an annual information return with the Insurance Commissioner Upon review of the returns, the commissioner makes recommendations to the State Board of Equalization which assesses the taxes. Under that law, taxpayers have a specified time limit in which to pay the tax or contest it, after which penalties and interest attach.

This bill would replace the current system of assessments with a self-assessed tax in which the tax returns and payment would be due on the same date, as specified. It would require insurers subject to ocean marine insurance retaliatory tax to amend its retaliatory tax return each year, as specified. It also would make provision for the payment of interest and penalties, as specified, for failure to pay the tax on or before the due date.

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

Ch. 768 (AB 4071) Connelly Hospital and health facility security. maternity.

Existing law requires the State Department of Health Services to adopt regulations governing general acute care hospitals and special hospitals.

This bill would require the department to adopt regulations, by July 1, 1991, requiring any hospital or other health facility offering maternity services to establish written policies and procedures designed to promote protection of babies and the reduction of baby thefts.

The bill would require the department to review those policies and procedures to determine compliance with the regulations.

The bill would require the hospitals and other health facilities to periodically review their policies and procedures, as specified.

Since under existing law a willful or repeated violation of these regulations would be a misdemeanor, this bill would create a new crime, thereby imposing a state-mandated local program.

The bill would make legislative findings and declarations that an existing regulation of the department satisfies the requirement imposed on the department to adopt the regulations described above.

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

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

Ch. 769 (AB 4311) Jones. Employers: prohibited disclosure of information: arrest or detention.

(1) Existing law authorizes the release of summary criminal history information by a criminal justice agency under certain circumstances.

This bill would authorize any criminal justice agency, including any local criminal justice agency, to release information concerning an arrest or detention of a peace officer which did not result in conviction, or information concerning a referral to, and participation in, any postarrest diversion program to a government agency employer of that peace officer.

(2) Existing law provides that applicants for employment may not be asked by their employer to disclose information, and employers may not seek information, about any arrest or detention which did not result in a conviction. Applicants for employment as a peace officer, or with the Department of Justice, or with other criminal justice agencies are an exception to this rule, so that information about applicants for these positions may be disclosed or sought.

This bill would provide that not only applicants, but also persons already employed

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as peace officers or in positions with the Department of Justice, or with other criminal justice agencies, are excepted from the rule.

The bill would further provide that nothing in the above provisions shall prohibit the disclosure of information concerning an arrest or detention of a peace officer which did not result in conviction, or information concerning a referral to, and participation in, any postarrest diversion program to a government agency employing a peace officer. However, the employer would be prohibited from determining any condition of employment other than paid administrative leave based solely on an arrest report. It would also permit information contained in an arrest report to be used as the starting point for an independent, internal investigation of a peace officer in accordance with specified provisions relating to the rights of peace officers.

Ch. 770 (SB 241) B. Greene. Workers' compensation.

(1) Existing workers' compensation law creates the Uninsured Employers Fund in the State Treasury, and if an employer fails to pay a workers' compensation award, the award shall be paid from the fund upon application by the person entitled to the benefits. Existing law further provides that this fund is not liable for claims of occupational disease or cumulative injury unless certain conditions are met, or for payment for medical treatment for which the employer is liable and which has been provided or paid for by Medi-Cal.

This bill would provide that the Uninsured Employers Fund shall have no liability to pay compensation, nor shall it be joined in any appeals board proceeding, unless the employer alleged to be illegally uninsured shall first either have made a general appearance or have been served with a prescribed application and with a special notice of lawsuit issued by the Workers' Compensation Appeals Board, as specified.

The bill would also require the Director of Industrial Relations, on behalf of the Uninsured Employers Fund, to furnish information as to the identities, legal capacities, and addresses of uninsured employers known to the director, upon request of the board, or upon a showing of good cause by the employee or the employee's representative.

The bill, in addition, would provide that, notwithstanding any other provision of law to the contrary, when the director obtains a judgment against an uninsured employer, the director may, in addition to any other remedies provided by law, enforce the judgment by nonjudicial foreclosure pursuant to prescribed procedures. This provision, however, would not apply to the principal residence of an employer if the appeals board finds that the employer, on the date of injury, employed 10 or fewer employees. It would also provide that this provision shall be retroactive in effect and shall apply to all obligations of illegally insured employers to the Director of Industrial Relations, regardless of the date of injury to the employee.

(2) Existing workers' compensation law requires an employer to make payment for medical services rendered by an employee's treating physician after receipt of certain required reports.

This bill would revise this procedure to require instead that payment for medical treatment provided or authorized by the treating physician be made by the employer within 60 days after receipt of each separate, itemized billing, together with any required reports. It would also provide that any properly documented amount not paid within the 60-day period be increased by 10% together with interest at the same rate as judgments in civil actions unless the employer takes specified actions.

This bill would provide that any amount of a contested billing which is determined payable shall carry interest from the date due until paid.

This bill would require any interest or increase in compensation paid by an insurer pursuant to this bill to be treated in the same manner as an increase in compensation paid as a disability indemnity by an employer for any classification of risks and premium rates and any system of merit rating under specified provisions of law.

Ch. 771 (SB 247) Kopp. Civil procedure: expert witness fees.

Existing law provides that a party requiring testimony before any court or in a deposition in any civil action or proceeding from specified experts shall pay the reasonable and customary hourly or daily fee for the actual time consumed in the examination of that

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expert by any party attending the action or proceeding.

This bill would specify that the hourly or daily fee shall not exceed the fee charged the party who retained the expert, except as specified.

The bill would incorporate further changes to Section 2034 of the Code of Civil Procedure and Section 68092.5 of the Government Code proposed by AB 3136, contingent upon the prior enactment of that bill.

Ch. 772 (SB 882) Robbins. Insurance.

(1) Existing law authorizes a mortgage guaranty insurer to make withdrawals from its contingency reserve in any given year to the extent by which incurred losses exceed 20% of earned premium or as otherwise permitted by the Insurance Commissioner.

The bill would revise the requirements for withdrawals from the contingency reserve to authorize withdrawals in any given year to the extent by which incurred losses exceed 35% of earned premium or as otherwise permitted by the commissioner

(2) Existing law authorizes a mortgage guaranty insurer to reinsure any insurance it transacts. Existing law requires that if the mortgage guaranty insurer does reinsure any insurance it contracts, it shall be with a mortgage guaranty insurer or a nonaffiliated insurer or reinsurer, as specified, and the ceding mortgage guaranty insurer shall establish and maintain certain reserves, and provides that as to the contingency reserve required by specified provisions of law, there shall be no reduction by reason of any risk ceded

This bill would specify that the assuming mortgage guaranty insurer may be under common control with the ceding mortgage guaranty insurer but may not own or be owned by that insurer, would delete the above requirement with respect to the contingency reserve and would revise the capital requirements of a nonaffiliated insurer or reinsurer with whom a mortgage guaranty insurer reinsures, as well as adding new requirements with respect to those entities. The bill would also require that the ceding mortgage guaranty insurer and the assuming insurer or reinsurer shall establish and maintain in the aggregate specified reserves As one of the new requirements the bill would require the nonaffiliated insurer or reinsurer to establish and maintain a specified reserve in a segregated trust, as specified. The bill would set forth requirements for qualification as a segregated trust and would authorize the commissioner to adopt rules and regulations establishing related requirements.

Ch. 773 (SB 917) McCorquodale. Forest lands: fire protection.

(1) Under existing law, any person who violates provisions which require the clearing of flammable material or combustible growth and the taking of other action around any building or structure in mountainous areas or forest-covered lands, brush-covered lands, or grass-covered lands is guilty of an infraction punishable by prescribed fines

This bill would make conviction of a 3rd violation in 5 years a misdemeanor, punishable by a fine of not less than $500. The bill would authorize the department, in that event, to perform or contract for the performance of necessary work and to bill the violator for the costs incurred, in which case the violator, upon payment of those costs, would not be required to pay the fine. The bill would, by creating a new misdemeanor, impose a state-mandated local crime.

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

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

Ch. 774 (SB 1079) Mello. Contractor's licensing.

Existing law provides for the issuance of a citation by the Registrar of Contractors against persons who act in the capacity of or engage in the business of a contractor within the state without having a license in good standing to so act or engage. Each citation shall contain an order of abatement and an assessment of a civil penalty in an amount not less than $1,500 nor more than $4,500.

This bill would reduce the minimum amount of the civil penalty assessed to not less

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than $200.

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

Ch. 775 (SB 1410) Mello. Small craft harbors.

(1) Existing law authorizes the Department of Boating and Waterways to plan, acquire, construct, develop, and improve small craft harbors, facilities in connection with those harbors, and connecting waterways, and requires the transfer of those harbors and facilities to a county, city, or district if the local agency agrees to repay the state for its costs, as specified. Existing law also authorizes the department to make loans and grants to, and enter into contracts and agreements with, cities, counties, or districts for harbor development, as specified, and to make loans to private recreational marina owners.

This bill would require local public agencies to certify to the department that, for facilities funded by the department, adequate shoreside facilities are provided or to provide written findings showing why the facility cannot certify to these conditions, thereby imposing a state-mandated local program. The bill would also expressly prohibit any facility funded by the department, which provides facilities for commercial fishing vessels, from prohibiting the commercial use and operation of those facilities by commercial passenger fishing vessels or private recreational vessels, as specified, unless there is provided, elsewhere in the same harbor, alternative, equivalent facilities, as defined. The bill would require facility loans, grants, contracts, or agreements funded by the department, as specified, to provide for those facilities or to set forth, in the contract or agreement, the reasons for not meeting them.

The bill also would, contingent upon the approval of a specified act (AB 145) by the voters at the November 6, 1990, general election, require the department to give consideration for funding for projects which are financially feasible and which would make existing harbors substantially meet those provisions. The bill would make a statement of legislative intent regarding that act.

The bill would also prohibit a harbor from charging launching ramp fees in excess of the cost of operation and maintenance of launching ramps and related facilities, as specified, and specified capital costs of the launching ramp facility. The bill would require the department to supervise and monitor compliance with the payment, operation, improvement, and maintenance requirements of the contracts or agreements.

The bill would exempt small craft harbors or boating facilities funded by the department from liability for damages which occur on vessels using the facilities or pursuant to operation of the vessels, as specified.

(2) This bill would, if Sonoma County applies for a small craft harbor construction loan, require the department to give first priority until November 6, 1995, to providing loan funds from the specified act, if approved by the voters, for a specified sportfishing facility located in Bodega Bay under specified conditions. The bill would declare legislative findings in that regard.

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

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

Ch. 776 (SB 1429) C. Green. Minors: disclosure of information.

Existing law generally authorizes the disclosure of any information gathered by a law enforcement agency relating to the taking of a minor into custody to be disclosed to another law enforcement agency or to any person or agency which has a legitimate need for the information for purposes of official disposition of a case.

This bill would specify that another law enforcement agency, for the purposes of being authorized to receive the information gathered by a law enforcement agency, includes a school district police or security department.

This bill would authorize a school district police department or security department to provide written notice to the superintendent of the school district that a minor enrolled in a public school maintained by that school district in kindergarten or any of grades 1 to 12, inclusive, has been found by a court of competent jurisdiction to have

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used, sold, or possessed a controlled substance, or to have committed specific crimes. This bill would authorize the transmittal of that information expeditiously to any teacher, counselor, or administrator with direct supervisorial or disciplinary responsibility over the minor, after consultation with the principal of the school of attendance and if the superintendent of the school district or his or her designee believes those persons need this information to work with the student in an appropriate fashion, as specified. Any information received by a teacher, counselor, or administrator would be received in confidence. This bill would provide that an intentional violation of that confidentiality would constitute a misdemeanor punishable by a fine not to exceed $500, and would thereby impose a state-mandated local program.

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

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

Ch. 777 (SB 1575) C. Green. Controlled substances.

Existing law provides that various offenses involving specified controlled substances are felonies, punishable as specified.

Existing law also provides that when a judgment of imprisonment is imposed and the statute specifies 3 possible terms, the court is required to impose a middle term unless there are circumstances in mitigation or aggravation of the crime which permit the imposition of the lower or upper term.

This bill would provide that upon conviction of specified felony offenses involving specified controlled substances, the court shall consider the quantity of controlled substance involved in determining whether to impose an aggravated term.

Ch. 778 (SB 1635) Nielsen. Agriculture: milk products.

(1) Existing law permits frozen yogurt, lowfat frozen yogurt, and nonfat frozen yogurt to contain harmless edible stabilizers or emulsifiers not to exceed 0.6% and prohibits the freezing and air incorporation from exceeding 60% by volume of the product. Existing law also requires frozen fruit yogurt to contain at least 8% by weight of clean, mature, sound fruit or its equivalent.

This bill would, instead, permit those products to contain safe and suitable stabilizers or emulsifiers at a level necessary to achieve the desired function and prohibit the product from weighing less than 4.0 pounds per gallon. The bill would also delete the requirement that frozen fruit yogurt contain a minimum amount of fruit or its equivalent.

The bill would also expressly make federal nutritional labeling regulations apply to frozen dairy products, excepting the special requirements in the bill for frozen dairy products dispensed by a soft serve establishment.

(2) Existing law specifies the label requirements for yogurt offered for sale in this state.

This bill would make technical, nonsubstantive changes in various provisions relating to yogurt.

(3) Existing law requires lactose reduced milk products to meet specified bacterial, storage, and compositional standards in addition to the requirements for them to meet all other compositional standards for dairy products.

This bill would delete those special requirements, and make other changes to the solids-not-fat content of those products.

(4) Existing law classifies milk used to make soft fresh cheese (fromage frais) as class 1 for purposes of the provisions of law relating to milk marketing and pooling.

This bill would reclassify that milk as class 2.

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

Existing law makes violations of the bill, generally, a misdemeanor. Because the bill would change the definitions of crimes, it would impose a state-mandated local program.

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

Ch 779 (SB 1746) Seymour. Traumatic head injuries.

Existing law requires the State Department of Mental Health to establish demonstration projects for a post-acute continuum-of-care model for adults with acquired traumatic brain injuries, and to give a progress report to the Legislature each year. Existing law repeals the above provisions on January 1, 1993.

This bill would extend the repeal date to January 1, 1994.

Ch. 780 (SB 1760) C. Green. Commercial fishing: rock fish and lingcod: gill net and trammel net permits.

(1) Under existing law, no person may fish for commercial purposes with gill or trammel nets unless that person has been issued a gill net or trammel net permit by the Department of Fish and Game.

This bill would prohibit fishing with more than 1,250 fathoms (7,500 feet) of gill net or trammel net per day, in combination, from any vessel for rockfish or lingcod in ocean waters.

Because existing law makes violations of the Fish and Game Code, generally, misdemeanors, the bill would impose a state-mandated local program by creating new crimes

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

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

Ch. 781 (SB 1784) Leonard. Transportation corridor lands: preservation.

Under existing law, the construction, operation, and maintenance of state highways and certain other transportation systems is vested in the Department of Transportation and the California Transportation Commission.

This bill would specify additional powers and duties of the department with respect to the acquisition and preservation of land for transportation purposes and assistance to state and local agencies for these purposes. The bill would authorize the department to exercise the power of eminent domain for these purposes, as specified.

The bill would direct the department, except as otherwise required by law or by agreement, to deposit the proceeds of the sale of land owned by it and any rent or other income from land held by it in the State Highway Account in the State Transportation Fund. The bill would appropriate to the department from that fund the amount of the proceeds of all sales, leases, and rentals of land acquired by it for highway purposes until a total of $25,000,000 has been so appropriated, to be expended by the department for the purposes of the bill.

The bill would require the department to prepare and submit to the Secretary of the Business, Transportation and Housing Agency periodic reports on its activities in this regard, and the secretary to review, comment upon, and transmit these reports to the Legislature and Governor.

Ch. 782 (SB 1835) Alquist. Earthquake research.

Existing law provides for various seismic safety programs.

Existing law also creates the Seismic Safety Commission which, among other things, is authorized to study earthquake-related activities and propose needed legislation.

This bill would make legislative findings concerning the need for a cohesive earthquake research plan.

The bill would specify that there would be an Earthquake Research Evaluation Conference, which would be organized and managed by the Seismic Safety Commission. Conference participants would be required to include specified representatives, and would be selected by the commission, in conjunction with the California Council on Science and Technology, the Division of Mines and Geology in the Department of

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Conservation, and the Office of Competitive Technology in the Department of Commerce.

The bill would specify that the purpose of the conference would be to develop a strategy for earthquake research which will identify the state's seismic safety needs, including the need for specified areas of research. It would require the commission, in collaboration with the entities specified above, to submit a proposed 5-year statewide earthquake plan to the conference for its review, and would require the commission to develop a final plan, as part of its 5-year hazard reduction plan, which would incorporate the findings of the conference.

The bill would require grant awards to be made, for the 1990–91 fiscal year, to not more than 5 California companies to conduct feasibility studies which will evaluate new, innovative technologies to improve the understanding of impending earthquakes. The Division of Mines and Geology would be required to implement these grant award provisions, with the advice of the Office of Competitive Technology.

The bill would, however, require that these grant provisions be implemented only to the extent that funds are available for this purpose.

The bill would not require the commission to conduct the conference unless, and only to the extent that, funds become available for this purpose.

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

Ch. 783 (SB 1847) Marks. Veterans: S.S. Baton Rouge Victory memorial plaque.

Existing law provides for various memorials to veterans on the grounds of the State Capitol.

This bill would authorize the construction of a memorial plaque on the grounds of the State Capitol for the 6 crew members of the S.S. Baton Rouge Victory who were lost at sea when that U.S. cargo vessel carrying U.S. military supplies was sunk by hostile action on August 23, 1966 The bill would provide that the Department of General Services, after consultation with the Office of Historic Preservation of the Department of Parks and Recreation and the Historic State Capitol Commission, would have final approval concerning the design and the location of the site for the plaque. Funds for the construction of the memorial plaque would be provided through private contributions made to the Department of General Services for that purpose.

The bill would create the S.S. Baton Rouge Victory Memorial Plaque Account in the General Fund and would require the Department of General Services to deposit all donations received by the department in the account. The bill would continuously appropriate the money in the account to the department for purposes of the bill.

Ch. 784 (SB 1877) Boatwright. Courts: filing fees.

Existing law authorizes a fee of $1 for filings in civil actions and proceedings as specified, in addition to the total filing fee, as defined, to be used to defray the cost of micrographics and automated recordkeeping systems for the county clerk and the municipal and justice courts.

This bill would authorize, until January 1, 1996, the board of supervisors to increase this additional fee to up to $3, as specified.

Ch. 785 (SB 1917) Ayala. Trials: removal of spectators.

Existing law provides for the conduct of criminal proceedings.

This bill would specifically authorize the court in a criminal proceeding, after holding a hearing and making specified findings, to order the removal of any spectator who is intimidating a witness, as specified.

This bill would also provide that these provisions shall not be used to exclude the press or a defendant from any portion of a criminal proceeding.

Ch. 786 (SB 1964) L. Greene Civil engineering.

Existing law defines the practice of civil engineering, as specified.

This bill would provide that a registered civil engineer may also practice or offer to practice, either in a public or private capacity, construction project management services, including, but not limited to, construction project design review and evaluation,

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construction mobilization and supervision, bid evaluation, project scheduling, cost-benefit analysis, claims review and negotiation, and general management and administration of a construction project. It also would make a related change.

Ch 787 (SB 1981) Russell. Unemployment compensation.

Existing law provides for unemployment compensation benefits for eligible individuals, and specifies when a claim for benefits is valid. Under existing law, if the base period of a new claim includes wages paid prior to the effective date of a previous claim, the new claim is not valid unless the claimant earned sufficient wages and had some work during the 52-week period following the effective date of the previous claim.

This bill would also permit the new claim to be valid in those circumstances when the individual did not receive unemployment insurance benefits, and was disabled and was entitled to receive disability or workers' compensation benefits.

Ch. 788 (SB 2042) Vuich. Mortgages and deeds of trust: notice of delinquency.

Existing law requires a mortgagee or trust deed beneficiary with respect to an obligation which is under $300,000 or secured by property improved with 1 to 4 residential units, to provide information on delinquencies upon the request of a junior lienor, as specified. Existing law requires that, in certain transactions in which credit is arranged to be extended by the vendor of a dwelling for not more than 4 families, the purchaser and vendor (and the arranger of credit as to each) are required to provide the other with a statement that a request for notice of delinquency has been made or, if not, that the vendor should consider making such a request. The above provisions of existing law will be repealed on January 1, 1991.

This bill would extend those provisions indefinitely. The bill would also require any mortgagee or beneficiary under a junior mortgage or trust deed who has made a notice request pursuant to those provisions to notify the senior lienholder, as specified, when the obligation secured by the junior lien has been satisfied.

Ch 789 (SB 2043) McCorquodale. Wild animals: Department of Fish and Game administration

(1) Existing law requires the Department of Fish and Game to administer a grant program for the care and shelter of mammals. The department and eligible local entities are authorized to issue permits to import, possess, or transport certain wild animals under specified conditions, which include the payment of application fees and permit fees, as determined by the department, with specified exceptions. Existing law also requires the department or eligible local entities to inspect certain wild animal facilities and to charge fees for the inspections.

Existing law requires that funds received from the permit fees be expended to administer and enforce those provisions.

This bill would delete the exemption of zoos from the permit fees for the permits they are required to obtain and would delete the exclusion of organizations which display or make animals perform for profit from the definition of zoos. The bill would, in addition, permit the department to expend the funds to implement those provisions.

The bill would also require the department to establish specified written policies and procedures on or before May 1, 1991

(2) Because the money in the Fish and Game Preservation Fund is continuously appropriated to the department to carry out the Fish and Game Code, the bill would thereby make an appropriation.

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

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

Ch. 790 (SB 2099) Deddeh Enforcement of judgments: costs.

Under existing law, a memorandum of costs filed in support of costs claimed by a judgment creditor in enforcing the judgment is required to be served on the judgment

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debtor. Existing law entitles the judgment debtor to a hearing on the costs claimed in the memorandum if the judgment debtor files a motion to tax within 10 days after service of the memorandum of costs.

This bill would authorize a creditor to include these costs not exceeding $100 in the amount specified in the writ of execution and to obtain a levy thereon, without giving the debtor a prior opportunity to file a motion to tax those costs. However, under the bill, the costs could be subsequently dissallowed by the court pursuant to the debtor's motion to tax.

Ch. 791 (SB 2103) Rosenthal. Public Utilities Commission: development of low-emission vehicles.

Under existing law, the Public Utilities Commission is required to encourage gas and electric corporations to pursue research, development, and demonstration activities in furtherance of the goal of achieving substantial market penetration of electric-powered and compressed natural gas-fueled vehicles.

This bill would require the commission, in cooperation with the State Energy Resources Conservation and Development Commission, the State Air Resources Board, air quality management districts and air pollution control districts, electrical and gas corporations, and the motor vehicle industry, to evaluate and implement policies to promote the development of equipment and infrastructure needed to facilitate the use of electric power and natural gas to fuel low-emission vehicles. The bill would require the commission to hold public hearings on these matters, consider certain specified policies, and to provide progress reports to the Legislature, as specified.

The bill would also appropriate $118,000 from the Public Utilities Commission Utilities Reimbursement Account in the General Fund to the commission for startup costs for implementing its provisions in the 1990–91 fiscal year.

Ch. 792 (SB 2116) Morgan. Postsecondary education: nonresident tuition.

Existing law requires that a student in a public postsecondary institution classified as a nonresident shall be required to pay, in addition to other fees required by the institution of higher learning attended by the student, nonresident tuition, to be assessed as specified Existing law authorizes the governing bodies of the segments of public postsecondary education in the state to adopt rules and regulations relating to the method of calculation of the amount of nonresident tuition, the method of payment, and the method and amount of refund.

This bill would express the intent of the Legislature that California's public institutions of higher education shall establish nonresident tuition policies consistent with their resident tuition policies. The bill would require that each segment of public postsecondary education shall develop its own methodology for establishing the nonresident tuition level and its annual nonresident tuition adjustment.

The bill would provide that the University of California, the Hastings College of the Law, the California State University, and the California Maritime Academy should endeavor to ensure that any increases in nonresident tuition at those institutions are gradual, moderate, predictable, and equitably borne by all nonresident students and provide at least a 10-month notice of the increase.

The bill would provide that its provisions would not be applicable to the Regents of the University of California or to the Board of Directors of the Hastings College of the Law unless the regents or the board of directors, as appropriate, adopt a resolution to make the provisions applicable and would provide that it is not applicable to the California Community Colleges

The bill would specify that its provisions would not be applicable under specified economic conditions.

Ch. 793 (SB 2142) Davis. School funding: instructional year.

Under existing law, for each school district that received a supplemental state apportionment in the 1984–85 fiscal year on the basis that the district offers 180 days or more of instruction per school year, for any subsequent fiscal year the Superintendent of Public Instruction is required to reduce the base revenue limit per unit of average daily

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attendance, upon which annual state apportionments are based, if the district offers less than 180 days of instruction in that subsequent fiscal year.

This bill would provide that a school district would not be deemed to offer less than 180 days of instruction in the 1989–90 fiscal year if it certifies to the Superintendent of Public Instruction, as specified, that it offers 175 or more days of instruction for that year, that unanticipated delays in school construction delayed the opening of one or more schools of the district, that it will increase its total instructional time accordingly, and that it submitted a request to the State Board of Education prior to January 1, 1990, for a waiver of the statutory reduction requirement described above.

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

Ch. 794 (SB 2136) Robbins. California Insurance Guarantee Association.

Existing law requires member insurers to disclose the amount of any California Insurance Guarantee Association surcharge in a separate statement on either the billing or policy declaration sent to the insured. Existing law exempts from this disclosure requirement the disclosure of the amount of the surcharge on billings or declarations covering policies of automobile insurance, and certain property insurance as specified.

This bill would delete that exemption.

The bill would also, with respect to certain insolvency provisions, provide that the association shall allocate its claim payments and costs, incurred or estimated to be incurred, to specified categories which include homeowners' claims, as specified.

Ch. 795 (SB 2159) Bergeson. Alcohol and drug programs.

(1) Under existing law, the State Department of Alcohol and Drug Programs is responsible for directing and coordinating the state's efforts to prevent or minimize the effect of alcohol misuse, narcotic addiction, and drug abuse.

This bill would require the department to develop and maintain a centralized alcohol and drug abuse indicator data collection system, as described. The bill would require providers of publicly funded services or services licensed by the department to report data to the department. The bill would require the department to issue an annual report profiling alcohol and drug abuse in the state, as described.

(2) Under existing law, the board of supervisors of each county may apply to the department for funds for the purpose of alleviating problems in its county related to the inappropriate use of alcoholic beverages and requires the department to allocate state and federal funds to counties to implement approved county alcohol program plans. Existing law requires a county to secure approval from the department prior to redirecting any funds allocated by the department from the purposes identified in the county alcohol program plan previously submitted to the department. Existing law requires final plan amendments, including amendments to the budget portion of the plan, to be submitted to the department by May 31 of the current fiscal year, subject to a time extension which may be granted by the department on an individual request basis.

This bill would revise the provisions requiring approval from the department for a county to redirect any funds allocated by the department, to delete the time extension for final plan amendments, to provide that approval is not required for budget amendments which cumulatively redirect no more than 10% of the funds allocated to the county by the department on an annual basis, to delete the time extension provision for budget amendments, and to require that if a county determines that an additional budget amendment is required, as specified, the county is required to notify the department and, upon that notification, is permitted to submit a cost report for approval as a revised final budget amendment.

(3) Under existing law, counties are required to submit a cost report reflecting the expenditure of funds allocated by the department for the county alcohol program plan. The department, after consultation with county alcohol program administrators, is required to specify forms and procedures to be followed in reporting the information.

This bill would authorize a county to submit the cost report for approval as a final plan amendment or a required budget amendment.

This bill would delete the requirement that the department consult with county alcohol program administrators with regard to the forms and procedures to be followed

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in reporting the information.

(4) Existing law requires the department to develop and maintain a described centralized narcotic and drug abuse data collection system and to issue an annual report, as specified.

This bill would repeal that provision.

(5) Existing law provides that the board of supervisors of each county may apply to the department for funds for the purpose of alleviating problems in its county related to drug abuse and requires the department to allocate state and federal funds to counties to implement approved county drug program plans. Existing law requires a county to secure approval from the department prior to redirecting any funds allocated by the department from the purposes identified in the county drug program plan previously submitted to the department. Existing law requires final plan amendments, including amendments to the budget portion of the plan, to be submitted to the department by May 31 of the current fiscal year, subject to a time extension which may be granted by the department on an individual request basis.

This bill would revise the provisions requiring approval from the department for a county to redirect any funds allocated by the department, to delete the time extension for final plan amendments, to provide that approval is not required for budget amendments which cumulatively redirect no more than 10% of the funds allocated to the county by the department on an annual basis, to delete the time extension provision for budget amendments, and to require that if a county determines that an additional budget amendment is required, as specified, the county is required to notify the department and, upon that notification, is permitted to submit a cost report for approval as a revised final budget amendment.

Under existing law, counties are required to submit a cost report reflecting the expenditure of funds allocated by the department for county drug program services.

This bill would authorize a county to submit the cost report for approval as a final plan amendment or a required budget amendment.

Ch. 796 (SB 2191) Deddeh. Education.

Existing law permits a "child nutrition entity," as defined, to apply to the State Department of Education for funds to provide nutritionally adequate meals to pupils in accordance with certain guidelines

This bill would permit a school district or county office of education participating in the National School Lunch Program, in the event of a state or federally declared natural disaster occurring on or after the effective date of the bill, to provide meals to pupils rendered homeless by the disaster and to apply to the State Department of Education for reimbursement for the meals. The bill would waive certain requirements regarding a pupil's eligibility for free meals and the components of the meals.

The bill would specify that moneys in the Disaster Response-Emergency Operations Account in the Reserve for Economic Uncertainties, a continuously appropriated fund established under existing law, may be allocated for the purposes described above.

To the extent these funds are allocated to a school district or community college for the purposes of the bill, and the use of those funds furthers the educational mission of those entities, the funds may be applied toward the minimum funding requirements imposed by Section 8 of Article XVI of the California Constitution.

This bill would also permit the Chula Vista City School District to apply after the deadline for certain funding, and would require that application to be treated as if filed before the deadline

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

Ch. 797 (SB 2327) Russell. County retirement benefits: IRC 415 limits.

Existing federal income tax laws provide special benefit limitations for public retirement plans. Public retirement plans risk loss of their federal tax-exempt status unless they elect to be bound by specified benefit payment limitations A public retirement plan may elect to exempt members who became plan participants prior to January 1, 1990, from these limitations if the plan also elects to be bound by these limitations for all members who join on or after that date.

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The existing County Employees Retirement Law of 1937 (the 1937 Act) provides that the retirement rights conferred thereby upon any person who for the first time becomes a member of a 1937 Act county retirement system, other than the Los Angeles County retirement system, on or after January 1, 1990, shall be subject to, that such a person shall not have any retirement right or benefit which exceeds, and that no retirement right or benefit shall accrue to or vest in such a person which exceeds, the Internal Revenue Code limitations on public retirement systems.

The 1937 Act provides specified benefits upon retirement for members.

This bill would make the elections for new members on or after January 1, 1990, for purposes of the 1937 Act, except for Los Angeles County.

This bill would add to the 1937 Act a provision which would require county retirement boards to adjust, as specified, the payment of benefits pursuant to the 1937 Act, as necessary, in order to maximize the benefits available to members who are subject to the limitations of Section 415 of the Internal Revenue Code.

This bill would, in provisions outside of the 1937 Act and inapplicable to Los Angeles County, deem each 1937 Act county to have elected to contract with PERS for the administration of replacement benefits for those Section 415-affected members whose retirement benefits cannot be fully maximized under the 1937 Act.

This bill would express intent, provide for various contingencies, and reserve the power and right of the Legislature to amend this bill.

This bill would not become operative unless SB 2373 is chaptered.

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

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

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

Ch. 798 (SB 2373) Russell. PERS benefits: IRC 415 limits.

Existing federal income tax laws provide special benefit limitations for public retirement plans. Public retirement plans risk loss of their federal tax-exempt status unless they elect to be bound by specified benefit payment limitations. A public retirement plan may elect to exempt members who became plan participants prior to January 1, 1990, from these limitations if the plan also elects to be bound by these limitations for all members who join on or after that date.

The existing Public Employees' Retirement Law provides that retirement rights conferred thereby upon any person who for the first time becomes a PERS member on or after January 1, 1990, shall be subject to, that such a person shall not have any retirement right or benefit which exceeds, and that no retirement right or benefit shall accrue to or vest in such a person which exceeds, the Internal Revenue Code limitations on public retirement systems.

The existing Public Employees' Retirement Law provides specified benefits upon retirement for the members.

This bill would make that election for purposes of the Public Employees' Retirement Law.

This bill would add to the Public Employees' Retirement Law a provision which would require PERS to adjust, as specified, the payment of benefits pursuant to that law, as necessary, in order to maximize the benefits available to members who are subject to the limitations of Section 415 of the Internal Revenue Code (Section 415).

This bill would, in provisions outside of that law, require the Board of Administration of PERS to establish and modify a program of replacement benefits, as specified, for those Section 415 affected members whose retirement benefits cannot be fully maximized under that law.

This bill would establish the Replacement Benefit Custodial Fund to consist primarily of specified redirected employer contributions and administrative expenses assessed to enrolled members, which is continuously appropriated for the purposes of this bill, as specified, and which would be administered by the Board of Administration of PERS.

This bill would appropriate $250,000 from the Public Employees' Retirement Fund for

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expenditure for initial administrative costs and would continuously appropriate the earnings on the assets of the Replacement Benefit Custodial Fund for expenditure for the administrative costs of this bill.

This bill would authorize any public agency which meets the criteria for becoming a contracting agency under PERS but which has not elected to participate in PERS, to contract with the Board of Administration for the administration of the replacement benefit program, as specified. This bill would deem the state and all PERS contracting agencies to have elected to so contract.

This bill would express intent, provide for administration, provide for various contingencies, and reserve the power and right of the Legislature to amend this bill as needed to effect its purposes.

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

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

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

Ch. 799 (SB 2401) Marks. Oil spills: appropriation.

Existing law appropriated $2,250,000 from the Fish and Game Preservation Fund to the Department of Fish and Game for expenditure during the 1986–87, 1987–88, and 1988–89 fiscal years, for specified purposes related to oil spills.

This bill would continuously appropriate those funds to the department for expenditure without regard to fiscal years. The bill would exempt the expenditure of those funds for specified consultant service contracts from specified provisions relating to the administration and use of computers in state government.

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

Ch. 800 (SB 2572) Lockyer. Jury verdicts.

Existing law prohibits a jury from being discharged in a criminal case until the court has verified on the record that the jury has either reached a verdict or has formally declared its inability to reach a verdict on all issues before it, as specified.

This bill would specifically include, among the issues the jury must decide before being discharged, the degree of the crime or crimes charged.

Ch. 801 (SB 2628) Russell. State employee benefits.

Under existing law, upon separation of service without fault of the employee, a state employee is entitled to a lump-sum payment as of the time of separation for any unused or accumulated vacation or annual leave or for any time off to which he or she is entitled by reason of previous overtime work where compensating time off for overtime work is provided for by the appointing power or rules of the Department of Personnel Administration, with the computation of the amount of the lump-sum payment being made as if the employee had taken the time off rather than being separated from service.

Under existing law, a state employee separated from service through fault of his or her own is entitled to a lump-sum payment for compensating time off for overtime work, and in addition, the portion, if any, of unused vacation or annual leave as the Department of Personnel Administration may determine. The amount of the lump-sum payment is not, however, computed as if the individual had taken time off rather than been separated from service.

Existing law specifies that the above provisions do not apply to any state officer whose compensation is fixed by statute.

This bill would, notwithstanding the prohibitions against applying the above requirements to state officers whose compensation is not fixed by law, permit the Department of Personnel Administration to provide by rule for the accumulation and use of paid leave, including a lump-sum payment for accumulated leave, with respect to nonelected members of state boards and commissions whose annual salaries are fixed by law.

The bill would require that rules adopted pursuant to the bill provide for the reduction of the salary fixed by law of those nonelected members of state boards and commissions

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when their absences exceed their paid leave. It would prohibit the department from providing paid leave benefits greater than the maximum benefits provided the employees designated as managerial by the department.

The bill would require that any rules adopted pursuant to the bill take effect after July 1, 1991.

Ch. 802 (SB 2657) Vuich. Food facilities.

(1) Existing law defines "food facility" for the purposes of the California Uniform Retail Food Facilities Law to include, among other things, a "temporary food facility" and a "stationary mobile food preparation unit." Existing law defines "temporary food facility" as a food facility operating out of prescribed temporary facilities for a period of time not to exceed 21 days in any 90-day period in conjunction with a single event or celebration.

This bill would change the 21 days to 25 days for purposes of this definition.

(2) Existing law prescribes sanitation requirements for stationary mobile food preparation units.

This bill would authorize stationary mobile food preparation units to include a staffed counter which serves hot and cold beverages which are not a potentially hazardous food, as defined, and which are dispensed from approved, as defined, bulk dispensing units. The bill would authorize an enforcement agency to permit storage of supplies and food, which is not a potentially hazardous food, in unopened containers, as defined, adjacent to a stationary mobile food preparation unit, or in unopened containers in a nearby temporary storage unit.

Ch. 803 (AB 2778) Hughes. Student aid.

Existing law establishes a program of scholarship awards and other financial assistance for specified students at the California State University. Under the program, the Trustees of the California State University, in consultation with the Student Aid Commission, are required to allocate the income and earnings of invested state appropriations to minority and disadvantaged students enrolled at campuses of the university in programs oriented to career placement in the real estate industry, and the trustees are required to annually report to the Legislature regarding expenditures and awards pursuant to these provisions. These provisions would be repealed as of January 1, 1991.

The bill, instead, would require this allocation to be made to ethnic minority and disadvantaged students.

The bill would require the report to include the extent to which program participants enter careers in the real estate industry after graduation.

This bill would extend the date of repeal of the above provisions to January 1, 1996.

Ch. 804 (AB 3331) Peace. Attorney's fees.

Existing law provides that attorney's fees authorized by statute to be recovered in a civil action are to be treated as a component of costs awarded in the action. Existing law specifies several alternative procedures for determining and awarding these attorney's fees.

This bill would include attorney's fees authorized by contract as a component of costs and would require an award of these fees to be made either upon noticed motion or entry of a default judgment, except where otherwise stipulated by the parties. The bill would declare the intent of the Legislature that the Judicial Council adopt procedures for the timing of these motions, and would find a particular existing rule to be fair and equitable in this regard.

Ch. 805 (AB 4010) Mountjoy. Taxidermist records.

(1) Existing law requires every person who prepares, stuffs, or mounts the skin of any fish, reptile, bird, or mammal for another person to make and keep a record, as prescribed by regulations of the Fish and Game Commission, and to have the record open for inspection at all times by wardens of the Department of Fish and Game.

This bill would require, instead, that the records be open for inspection pursuant to the regulations of the commission. Violations of the Fish and Game Code and regulations

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adopted thereunder are, generally, misdemeanors.

(2) Existing law continuously appropriates the money in the Fish and Game Preservation Fund to the commission to carry out the Fish and Game Code.

Because this bill would change the duties of the commission, it would make an appropriation.

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

This bill would authorize new regulations of the commission, the violation of which are crimes. The bill would, thereby, create a state-mandated local program by creating new crimes.

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

Ch. 806 (AB 3709) Campbell. California Indian education centers.

Existing law establishes a constitutionally guaranteed minimum level of state funding for school districts, as defined, and community college districts. Existing law defines school districts for that purpose to include direct elementary and secondary level instructional services provided by the State of California, and further finds that the only state agencies that provide direct elementary and secondary level instructional services for purposes of that definition are those agencies that receive educational funding under the California State Lottery Act of 1984.

The bill would amend that finding to include, for that purpose, California Indian education centers, as established, under existing law, to serve as educational resource centers in Indian communities to the Indian pupils, parents, and the public schools.

This bill would appropriate $1,912,000, from the contingency reserve in the General Fund established under the Budget Act of 1990 for purposes of the minimum school funding obligation imposed by Section 8 of Article XVI of the California Constitution, to the State Department of Education for apportionment for California Indian education centers. To the extent that this appropriation would be applied for those programs of the California Indian education centers that are designed to strengthen the instructional program within the public schools, those funds may be applied toward those minimum funding requirements.

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

Ch. 807 (SB 856) Robbins. Intercity rail: capital expenditures.

Existing law requires the Governor to include in the Budget Bill an appropriation from the Transportation Planning and Development Account in the State Transportation Fund for capital improvements to intercity rail passenger routes for expenditure by the Department of Transportation.

This bill would require those projects to be included in the process pursuant to which the California Transportation Commission allocates funds for transit capital improvement projects under the Mills-Alquist-Deddeh Act, but would specify that these provisions do not apply to funds made available from general obligation bonds issued for the intercity rail program.

Ch. 808 (SB 886) Dills. Local public agencies: contracts.

Under the Local Public Agency Construction Act, bids submitted to various types of local agencies are required to contain alternative forms of bidder's security.

This bill would specify that these requirements apply to bids for construction work.

Ch. 809 (SB 1520) Presley. Income taxes: bank and corporation taxes: water conservation

The existing Personal Income Tax Law and Bank and Corporation Tax Law provide for various exclusions from gross income in determining the taxes imposed by those laws.

This bill would provide under those laws that any amount received as a rebate from a local water agency or supplier for any expenses paid or incurred by the taxpayer for the purchase or installation of a specified type of water conservation water closet or

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urinal shall be treated as a refund or price adjustment of amounts payable to that water agency or supplier.

This bill would take effect immediately as a tax levy.

Ch. 810 (SB 1732) Bergeson. Validations.

This bill would enact the Second Validating Act of 1990, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

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

Ch. 811 (SB 1733) Bergeson. Validations.

This bill would enact the Third Validating Act of 1990, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

Ch. 812 (SB 1827) Craven. Mobilehomes: fees.

Under the existing Mobilehomes-Manufactured Housing Act of 1980, certain registration fees, other than for the annual renewal of registration, required for a manufactured home, mobilehome, floating home, or truck camper, are delinquent if not paid to the Department of Housing and Community Development within 20 days after the date the fee became due.

This bill would specify that the registration fee required whenever a manufactured home, mobilehome, or commercial coach previously registered under the act is sold, leased with an option to buy, or otherwise transferred, or whenever a manufactured home, mobilehome, or commercial coach not previously registered in California is sold, leased with an option to buy, or otherwise transferred, is delinquent if not paid to the department within specified times, depending upon the category of registration fee.

Under the existing Mobilehomes-Manufactured Housing Act of 1980, a license fee is due and payable to the department as of the original date of sale, rental, or lease of a new commercial coach.

This bill would specify that a license fee is due and payable to the department 20 days after the date of entry into California of a commercial coach previously registered in another state or 20 days after the date of entry into California of a manufactured home or mobilehome sold as new prior to July 1, 1980, and previously registered in another state. The bill would also specify that license fees due for a manufactured home, mobilehome, or commercial coach previously registered in another state are delinquent if not paid within 40 days after the date of entry into California.

Under the existing Mobilehomes Parks Act, a "mobilehome park" is defined as any area or tract of land where 2 or more mobilehome lots are rented or leased, held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate manufactured homes or mobilehomes used for human habitation.

This bill would specify that, notwithstanding that definition, any area or tract of land zoned for agricultural purposes where 2 or more mobilehome lots or spaces are rented or leased, held out for rent or lease, or provided as a term or condition of employment, to accommodate manufactured homes or mobilehomes used for the purpose of housing less than 5 agricultural employees is not a "mobilehome park" for purposes of that act.

Under the existing Mobilehomes Park Act, it is unlawful for any person to, among other things, construct a mobilehome park, construct additional buildings or lots, alter buildings, lots, or other installations, in an existing mobilehome park, without having a valid permit issued by the department or a local enforcement agency.

This bill would permit the department, by regulation, to authorize plan checking agencies, as defined, to perform the review and approval of plans and specifications for the construction of mobilehome parks and other buildings and installations in existing mobilehome parks for the purpose of determining compliance with the applicable provisions of the act. It would permit the department to enforce designated plan review activities, and require the department to adopt regulations for approving and monitoring plan checking agencies, as specified. The bill would require that the department's

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regulations require that all approved plan checking agencies employ at least one architect or engineer, licensed by the State of California, and that the architect or engineer be responsible for all plan review activity, as specified.

The bill would also prohibit these plan checking agencies from having any financial interest in any mobilehome park, and with certain other persons involved in the construction of mobilehome parks.

Since violation of the provisions of the bill would constitute a misdemeanor under existing provisions of law, the bill would impose a state-mandated local program.

Under existing property tax law, the base year value of a mobilehome subject to property taxation is its full cash value on the lien date for the fiscal year in which it is first enrolled, and in the case of new construction, the base year value is its value on the date on which the new construction is completed. For that purpose, "new construction" does not include reconstruction of a mobilehome after destruction by misfortune or calamity, where the mobilehome after reconstruction is substantially equivalent to the mobilehome prior to damage or loss.

This bill would provide that, for purposes of property taxation of mobilehomes, "new construction" shall also not include replacement of the mobilehome following misfortune or calamity, where the replacement mobilehome is substantially similar to the mobilehome prior to loss or damage. It would also provide that if a mobilehome subject to license and registration fees is destroyed or damaged by misfortune or calamity and is replaced by a mobilehome subject to local property taxation, the assessor shall enroll the replacement mobilehome with an assessed valuation so that taxes owing, after adjustment for applicable exemptions, shall be the same amount as license and registration fees for the prior mobilehome in the year prior to its destruction or damage.

This bill would also provide, for purposes of property taxation as mobilehomes, that "new construction" shall not include replacement of a comparable mobilehome after that mobilehome has been taken in eminent domain, acquired by a public entity, or inversely condemned. It would provide that if a mobilehome subject to license and registration fees is taken in eminent domain, acquired by a public entity, or inversely condemned, that the assessor shall enroll a comparable replacement mobilehome with an assessed valuation so that taxes owing, after adjustment for applicable exemptions, shall be the same amount as license and registration fees for the prior mobilehome in the year that mobilehome was taken, acquired, or inversely condemned. By requiring the assessor to implement new criteria with regard to the taxation of certain mobilehomes, this bill would impose a state-mandated local program.

This bill would state that the amendments made by its provisions do not constitute a change in, but are declaratory of, existing law.

Section 2 of Article XIII of the California Constitution permits the Legislature by a ⅔ vote of the membership of each house, to classify tangible personal property for differential taxation or to exempt that property from taxation By classifying certain mobilehomes for differential taxation, the bill would require a ⅔ vote of the membership of each house.

Section 2229 of the Revenue and Taxation Code provides that no new classification or exemption of property for purposes of ad valorem property taxation shall extend for more than 5 years or shall exempt more than 75% of the value thereof. The section requires the Legislature to reimburse local agencies annually for certain property tax revenues lost as a result of the exemption.

This bill would provide that the requirements of Section 2229 of the Revenue and Taxation Code do not apply to any classification or exemption provided by the bill, and that no appropriation is made and the state shall not reimburse local agencies for property tax revenues lost by them pursuant to the bill.

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

This bill would provide that for certain costs no reimbursement is required by this act

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for a specified reason.

Moreover, the bill would provide that, if the Commission on State Mandates determines that this bill contains other costs mandated by the state, reimbursement for those other costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 813 (SB 1869) Garamendi. Taxation: international banking facility.

The existing Bank and Corporation Tax Law provides that an international banking facility, as defined, maintained by a bank within California shall be considered doing business without the state, and certain intangible personal property and sales which are recognized as attributable to the international banking facility shall be attributed to that facility in determining the property, payroll, and sales factors of the bank. These provisions are repealed on January 1, 1991.

This bill would delete the repeal date of those provisions, thereby continuing the operation of those provisions indefinitely.

This bill would take effect immediately as a tax levy.

Ch. 814 (SB 1922) Davis. Indemnification: engineers.

Existing law generally provides that provisions, clauses, covenants, or agreements contained in, collateral to, or affecting any construction contract and which purport to indemnify the promisee against liability for damages for death or bodily injury to persons, injury to property, or any other loss, damage, or expense arising from the sole negligence or willful misconduct of the promisee or the promisee's agents, servants, or independent contractors who are directly responsible to the promisee, or for defects in design furnished by those persons, are against public policy and are void and unenforceable.

This bill would provide that the prohibition does not prevent an agreement, other than an agreement by a public entity, to indemnify a professional engineer or geologist, or the agents, servants, independent contractors, subsidiaries, or employees of the engineer or geologist, from liability in providing identification, evaluation, preliminary assessment, design, remediation services, or other specified services in connection with defined hazardous materials described in specified provisions of state and federal law if certain criteria are met. However, the indemnification permitted would be valid only for damages arising from, or related to, subterranean contamination or concealed conditions, and would not be applicable to at least the first $250,000 of liability. Also, indemnification would not be permitted for willful misconduct or gross negligence.

Ch. 815 (SB 1941) Lockyer. Unemployment Insurance: disability benefits: waiver of waiting period.

Existing law provides for a waiver of the 7-day waiting period for unemployment compensation disability benefits when an individual is unemployed and disabled for more than 21 days during the disability benefit period.

This bill would provide for the waiver when an individual is unemployed and disabled for more than 14 days.

Ch. 816 (SB 1943) Lockyer. Trial court funding.

Existing law, the Brown-Presley Trial Court Funding Act, provides state funding for trial courts to those counties which opt under the program for the 1990-91 or later fiscal year on or before November 15 of the preceding fiscal year.

This bill would allow a county to opt under the Brown-Presley Trial Court Funding Act for a specific fiscal year, on or before March 1 of the preceding fiscal year. The bill would also require the Director of Finance to notify the chairpersons of the legislative fiscal committees and Joint Legislative Budget Committee of county decisions to opt under the act, as specified. The bill would also make technical, nonsubstantive changes.

Ch. 817 (SB 1951) Dills. Arbitration.

Existing law provides, until its repeal on January 1, 1991, that an arbitrator has the immunity of a judicial officer from civil liability when acting in the capacity of arbitrator

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under any statute or contract.

This bill would extend the repeal date for that provision to January 1, 1996, and make a related change. This bill would specify that the immunity afforded by this provision shall supplement and not supplant, any otherwise applicable common law or statutory immunity.

The bill would also require the Senate Rules Committee to commission a study by a commission appointed by the Senate Rules Committee, as specified, to study whether it is necessary to extend quasi-judicial immunity to neutral 3rd persons engaged in dispute resolution efforts, and related matters, as specified The bill would require the study and report to be transmitted to the Legislature by January 1, 1993.

Ch. 818 (SB 1960) Petris. Hospital districts.

Under existing law, a hospital district which only maintains hospitals with less than 200 beds is authorized to guarantee a physician and surgeon a minimum income for a period of no more than 18 months from the opening of the physician's practice, guarantee certain purchases of equipment up to a specified maximum amount, and provide reduced rental rates of office space in any building owned or leased by the district or any of its affiliated entities for no more than 18 months, in order to obtain a licensed physician and surgeon to serve the residents of the district. Existing law requires repayment no later than 5 years after the final date on which any payment for these guarantees or rental discount is made.

This bill would authorize any hospital district to guarantee the minimum income and the purchases of equipment and provide the reduced rental rates in order to obtain a licensed physician and surgeon to serve the communities served by the district, rather than to serve the residents of the district.

This bill would authorize any hospital district to guarantee the physician and surgeon a minimum income for a period of no more than 3 years, rather than 18 months, from the opening of the physician and surgeon's practice.

This bill would delete the maximum amount on the guarantee of certain purchases of equipment by the physician and surgeon.

This bill would authorize any hospital district to subsidize rental payments for the physician and surgeon for office space in any other building for no more than 3 years.

This bill would authorize any hospital district to provide reduced rental rates of office space in any building owned or leased by the district or any of its affiliated entities for the physician and surgeon for no more than 3 years, rather than 18 months.

This bill would authorize any hospital district to provide other incentives to the physician and surgeon in exchange for consideration and upon terms and conditions the hospital district's board of directors deems reasonable and appropriate.

This bill would delete the requirement for repayment with regards to any of these guarantees, rental discounts, rental subsidies, or other incentives provided by any hospital district.

The bill would specify that certain provisions in contracts between a physician and surgeon and a hospital district or affiliated nonprofit corporation are void and would require those contracts which provide an inducement for the physician and surgeon to practice in the communities served by the district hospital to contain certain provisions, including a provision which requires the inducement to be repaid with interest if the inducement is repayable.

Ch 819 (SB 2077) Ayala. Escapes.

Existing law requires a person in charge of any secure detention facility, both juvenile and adult, as defined, to notify the police chief or sheriff of the city or county in which the facility is located of any escape. It also requires the person in charge of any secure detention facility under the jurisdiction of the Department of Corrections or the Department of the Youth Authority to release the name of, and any descriptive information about, an escapee to other law enforcement agencies or to other persons as specified.

This bill would require, in cases of escape by persons in the custody of the Department of Corrections who have been convicted of specified felonies or who have perpetrated an escape by force or violence, as specified, that prompt notification be given to newspa-

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pers of general circulation within the county in which the escape occurred, and to television stations regularly broadcasting news into and within the county, accompanied by a photograph and description of the escapee.

This bill would impose a state-mandated local program by requiring local jail officials to provide notification, photographs, and descriptions of escapees to the news media when an escapee from a local facility is a person in the custody of the Department of Corrections, as specified.

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

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 820 (SB 2239) Doolittle. Blood transfusions.

Existing law requires a physician and surgeon to inform certain surgery patients regarding blood transfusions, by means of a standardized written summary, of the positive and negative aspects of receiving autologous blood and directed and nondirected homologous blood from volunteers.

Existing law requires the State Department of Health Services to develop, annually review, and revise if necessary, the standardized written summary which provides this information, requires the Medical Board of California to publish the summary, and requires physicians and surgeons to purchase the summary from the board for distribution to patients. Existing law also permits clinics, health facilities, and blood collection centers to purchase the summary.

This bill would require the above information to be given to a patient whenever there is a possibility that a blood transfusion may be necessary as a result of a medical procedure, and would make other related changes. The bill also would delete the requirement that physicians and surgeons purchase the summary from the board for distribution to their patients, and, instead, would require physicians and surgeons to purchase the written summary from the board or purchase or otherwise receive the written summary from any other entity for distribution to their patients. It would permit the purchase of the summary by clinics, health facilities, and blood collection centers.

This bill would permit any entity to reproduce the written summary prepared by the department and to distribute the written summary to physicians and surgeons.

Ch. 821 (SB 2271) Maddy. Public employees: retirement benefits.

Existing provisions of the Public Employees' Retirement Law require the benefits of individuals formerly employed by contracting agencies which terminate their contract to be reduced if there are insufficient contributions to fully fund earned benefits.

This bill would, in the case of contracts terminated on or before January 1, 1991, discontinue any reduction, increase benefits to the prior contract level, and pool all of the assets and liabilities of those contracting agencies to provide exclusively for the payment of those benefits.

Ch. 822 (SB 2483) Russell. Religious meeting disturbances.

Existing law provides that every person who willfully disturbs or disquiets any assemblage of people met for religious worship, as specified, is guilty of a misdemeanor.

This bill would provide, instead, that a violation of this provision is punishable by a fine not exceeding $1,000, by imprisonment in the county jail for a period not exceeding 6 months, or by any combination of these penalties. This bill provides that alternatively, a court may require performance of a specified number of hours of community service for a violation of this provision.

This bill would further provide specified minimum and maximum penalties for persons convicted of a violation of these provisions who have suffered one or more previous

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convictions for violations of these provisions or of other specified related offenses. This bill would provide that the court may waive the minimum requirement for community service for violation of these provisions under specified circumstances, and by following specified procedures. This bill would provide specified procedures that the court and prosecutor must follow in order to obtain the conviction of a defendant for violation of these provisions. Because this bill would provide for increased county jail time for a violation of these provisions, it constitutes a state-mandated local program.

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

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

Ch. 823 (SB 2654) Roberti. Hazardous substances releases: removal and remedial actions.

Under existing law, the Johnston-Filante Hazardous Substance Cleanup Bond Act of 1984 provides for the issuance and sale of general obligation bonds in an amount not to exceed $100,000,000, and requires that the bond proceeds be deposited in the Hazardous Substance Cleanup Fund. Existing law also requires the State Department of Health Services to prepare and annually revise a site-specific plan of expenditures for hazardous substance removal and remedial actions paid for from the fund.

This bill would require the department to prepare, as part of the plan, a site-specific accounting of the type of activity for which funds were spent or encumbered and the source of those funds, as specified.

Ch. 824 (SB 2858) Garamendi. Hazardous materials: radioactive materials: emergency response.

(1) Existing law requires that any business which handles a hazardous material in specified quantities, including specified radioactive materials, to adopt a business plan for response to the release of hazardous materials, and to annually submit an inventory to the local administering agency.

This bill would require a business which handles radioactive materials in quantities for which an emergency plan is required to be adopted, pursuant to specified federal regulations, or pursuant to state regulations adopted in accordance with those regulations, to establish and implement a business plan.

(2) Existing law requires an administering agency to establish an area plan for emergency response to a release or threatened release of a hazardous material within its jurisdiction. Existing law requires the administering agency, upon a prescribed determination, to require a business to submit a risk management and prevention program and to carry out other specified duties relating to businesses which handle hazardous materials. Existing law authorizes any employee or authorized representative of an administering agency to conduct specified inspections.

This bill would authorize an administering agency to train for, and respond to, the release, or threatened release, of a hazardous material.

(3) Existing law requires authorized emergency vehicles, as defined, to be equipped with a red burning lamp and authorizes these vehicles to display revolving, flashing, or steady red warning lights. Existing law also authorizes a hazardous substance spill response vehicle, under contract to the Department of Transportation, to display amber warning lights when engaged in the actual cleanup of a spill. The Commissioner of the California Highway Patrol is authorized to issue authorized emergency vehicle permits for certain vehicles, upon making a specified finding. A violation of a regulation adopted by the commissioner pursuant to this provision is a misdemeanor.

This bill would authorize the commissioner to issue an authorized emergency vehicle permit to a vehicle owned and operated by an office or department of a city, county, or district which is designated by an ordinance adopted by that local agency to respond to hazardous materials emergencies, thereby imposing a state-mandated local program by creating a new crime.

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

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school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

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

Ch. 825 (AB 244) Calderon. Automated teller machines: safety.

Existing law does not specify uniform safety standards with respect to the operation of automated teller machines in this state.

This bill would enact provisions with respect to the safe use of automated teller machines, including certain location, installation, and lighting standards, as specified. The bill would also state legislative intent.

Ch. 826 (AB 266) Hannigan. PERS state safety members: disability retirement.

The existing Public Employees' Retirement Law authorizes any state safety or state peace officer/firefighter member who before January 1, 1986, was eligible for an industrial disability retirement allowance, but elected, instead, for nonindustrial disability retirement allowance to elect, for future payments only, for an industrial allowance, calculated, as specified, in an amount which shall not be less than his or her nonindustrial allowance.

This bill would impose the condition upon the receipt of those benefits that the applying member be living on or after December 30, 1989.

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

Ch. 827 (AB 731) Elder. County retirement systems: member home loan programs.

The existing County Employees Retirement Law provides various benefits to members and retirees and authorizes retirement boards and investment boards to invest the assets of their systems.

This bill would authorize those boards to establish member home loan programs utilizing county retirement funds to assist currently employed members and retirees, through financing, to purchase or refinance homes, subject to specified conditions. This authorization would impose state-reimbursable, state-mandated local negotiating costs since its exercise would be subject to negotiation under existing law relating to local public employer-employee relations.

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

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 828 (AB 1593) Tucker. Notaries public.

Existing law requires notaries public to provide and keep an official seal to emboss, stamp, impress, or affix to documents.

This bill, on January 1, 1992, would require the Secretary of State to assign a sequential identification number to each notary and to each vendor of notary stamps and to develop a certificate of authorization for those vendors and would prescribe civil penalties for violation of the provisions.

Ch. 829 (AB 1678) Chacon. Bilingual-crosscultural competence.

Existing law requires the Commission on Teacher Credentialing to grant certificates of bilingual-crosscultural competence. These certificates are required to certify, among other things, that the person is competent in both oral and written skills in a language other than English.

This bill, in addition, would require that the person be competent in both oral and

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written skills in the English language and would specify that a passing score on the reading and writing portions of the basic skills proficiency test administered pursuant to specified provisions of existing law shall satisfy the written skills portion of this requirement.

Ch. 830 (AB 2474) Wright. Infertility coverage.

(1) Existing law requires certain health care service plans, nonprofit hospital service plans, and disability insurers which cover hospital, medical, or surgical expenses to offer group coverage for the treatment of infertility, as defined.

This bill would provide that the above requirements apply to coverage provided by those nonprofit hospital service plans and disability insurers to residents of this state regardless of the situs of the contract.

(2) Existing law prohibits the above provisions from being construed to require a health care service plan, disability insurer, or nonprofit hospital service plan that is a religious organization, or a subsidiary of an entity whose owner or corporate member is a religious organization, to offer this coverage in a manner inconsistent with the religious and ethical principles of that religious organization.

This bill would define subsidiary for purposes of the above provisions.

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

Ch. 831 (AB 2552) Quackenbush. State Teachers' Retirement System: tax-sheltered annuity program plan.

The existing State Teachers' Retirement Law: authorizes STRS to operate a tax-sheltered annuity program for its members; and establishes therefor, the Tax-Sheltered Annuity Fund, a continuously appropriated special trust fund.

This bill would: redesignate the program as a tax-sheltered annuity plan; authorize STRS to operate the plan either directly or, by contract, through one or more 3rd-party carriers; authorize the plan to be offered to all employees of any state agency who are members of STRS or any employee of a local public agency or political subdivision of the state which employs persons in positions requiring or allowing membership in STRS; require that the features of plan design and operation be in accordance with that allowed by applicable provisions of the Internal Revenue Code and the Revenue and Taxation Code; and make related changes. These changes would authorize the expenditure of continuously appropriated special trust money for new purposes and would, therefore, constitute an appropriation.

Ch. 832 (AB 2572) Committee on Governmental Efficiency and Consumer Protection. State boards: legislative review.

(1) Existing law does not require that the author or sponsor of legislation creating a new board prepare a plan for the establishment and operation of the new board.

This bill would require the author or sponsor, prior to the consideration by the Legislature of legislation creating any new state board, as defined, to develop a plan for the establishment and operation of the proposed state board. The bill would specify the contents of the plan, including the reasons why the proposed state board was selected to address the problem giving rise to the legislation. The bill would require the plan to be forwarded to the policy committees in which the bill will be heard. The bill would also specifically authorize the Committee on Rules of either house, acting pursuant to a request from the chairperson of the appropriate policy committee, to direct the Joint Legislative Budget Committee to evaluate the plan submitted with the bill. The Joint Legislative Budget Committee would be required to establish criteria and review processes for the operational review of each state board after its enactment.

The bill would affect any state board created by the Legislature on or after January 1, 1991.

(2) Existing law requires the Legislative Counsel to prepare and publish monthly a report that lists all reports that state and local agencies are required or requested by law to prepare and file with the Governor or the Legislature, or both.

This bill would require the Legislative Counsel to prepare and publish the above report quarterly instead of monthly.

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Ch. 833 (AB 2592) Roos. Medi-Cal: parenteral hyperalimentation.

Existing law provides for the Medi-Cal program pursuant to which medical benefits are provided to public assistance and certain other low-income persons. Existing law provides that persons otherwise eligible as categorically needy persons, or as state-only Medi-Cal persons, except for income and resource eligibility, are eligible for dialysis, parenteral hyperalimentation, and related services under Medi-Cal, based on the net worth of their family unit. Under existing law, family units with a net worth of less than $5,000 are not liable to pay for these services, and family units with a net worth of $5,000 or more are required to pay 2% of the costs of these services for each $5,000 of net worth. Persons in family units with a net worth of more than $250,000 are not eligible for these benefits under Medi-Cal.

This bill would retain these provisions with regard to eligibility for dialysis, and would provide that any person requiring parenteral hyperalimentation would be eligible for those services under Medi-Cal, without regard to other eligibility requirements, when their family unit meets the specified net worth requirements.

This bill would also make technical changes.

Existing law requires the county in which a person resides to determine a person's eligibility for Medi-Cal benefits and continued eligibility.

This bill would impose a state-mandated local program because it would increase the counties' responsibilities for eligibility determination.

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

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

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

Ch. 834 (AB 2607) Moore. Loans secured by real property.

(1) Existing law specifies the maximum amount of expenses to be paid by a borrower with respect to specified real property loans.

This bill would increase the maximum amounts which may be charged to the borrower.

(2) Under existing provisions in the Real Estate Law, loans secured by real property which are negotiated by real estate brokers are subject to special disclosure requirements if the loan is less than $20,000 and secured by a first trust deed or less than $10,000 and secured by a junior lien. Loans negotiated by real estate brokers in these amounts are subject to additional requirements if the loan is secured by a dwelling, as defined.

This bill would increase the above dollar thresholds to $30,000 for first trust deeds and $20,000 for junior liens. Because willful violation of the Real Estate Law is a misdemeanor, this bill would impose a state-mandated local program by changing the definition of a crime.

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

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

Ch. 835 (AB 2655) Hunter. Sentencing.

Under existing sentencing law, the term of imprisonment shall not exceed twice the number of years imposed by the trial court as the base term except in specified cases, including, but not limited to, instances in which enumerated sentence enhancements are applicable.

This bill would incorporate in the enumerated listing of enhancements a 1-year or 3-year enhanced prison term imposed on the basis of prior separate prison terms for

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felonies and violent felonies.

This bill would, if SB 25 is chaptered, make the above changes operable only until January 1, 1992, and would, on that date, repeal Section 1170.1 of the Penal Code.

Ch. 836 (AB 2681) Kelley. Water reclamation office.

Under existing law, the Department of Water Resources is required to conduct studies and investigations on the availability and quality of waste water and the uses of reclaimed waste water for beneficial purposes, to study and investigate the technology of the reuse of waste water and further the development of the technology of waste water reclamation, and to make findings and recommendations concerning its studies and investigations and report on those findings and recommendations to the Legislature from time to time.

This bill would authorize the department to assist local agencies and public utilities providing water service in applying for, and in obtaining approval of, specified funding and permits for cost-effective water reclamation projects and to confer and cooperate with the State Water Resources Control Board, as prescribed. The bill would include in the findings and recommendations which the department is required to make, information concerning its assistance to local agencies and public utilities providing water service.

Ch. 837 (AB 2687) Mojonnier. Mental health programs: reports: time for submitting claims.

Existing law requires the State Department of Developmental Services and the State Department of Mental Health to develop and implement a program to encourage the establishment of sufficient living arrangements for clients of both departments, and requires both departments to submit annual reports to the Legislature regarding progress and recommendations on this program.

This bill would eliminate the reporting requirement for the State Department of Mental Health under this provision.

Existing law also requires the Director of Mental Health to establish reimbursement amounts for 24-hour hospital services in approved Short-Doyle plans, and specifies limits on the amounts established and conditions under which the director may approve a waiver of the limits. The director is required to report annually to the Legislature regarding the justification for any waivers granted by the department.

This bill would also eliminate the reporting requirement of the department in these provisions.

Existing law requires that claims for Medi-Cal reimbursement for services provided to Medi-Cal beneficiaries be submitted not more than 6 months after the month in which the service was rendered.

This bill would require that, notwithstanding this requirement or any other provision of law, claims for provision of Short-Doyle/Medi-Cal mental health services to Medi-Cal beneficiaries shall be submitted not more than 2 months after the month in which the service was rendered. By decreasing the amount of time for submitting these Short-Doyle/Medi-Cal claims from 6 months to 2 months, the bill would impose a state-mandated local program.

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

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

This bill would also make technical changes.

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Ch. 838 (AB 2693) Eastin. Employment: itemized wage statements: penalties.

Existing law requires every private employer, at the time of each payment of wages, to furnish each employee with an itemized statement in writing showing specified information, and to keep these records for at least 3 years. An employer who fails to provide this itemized statement or keep these records is subject to a civil penalty in the amount of $100 per employee for each violation, and is guilty of a misdemeanor.

This bill would increase the civil penalty from $100 to $250 per employee for the 1st violation and $1,000 per employee for each subsequent violation, and would give the Labor Commissioner discretion not to penalize an employer for a first violation which was due to a clerical error or inadvertent mistake.

Ch. 839 (AB 2713) Moore. Nonprescription drugs: labeling.

Existing law requires that the State Department of Health Services adopt regulations regarding the advertising and labeling of drugs, as defined.

This bill would require manufacturers of nonprescription drugs which are sold in this state to evaluate and permit them to modify the labeling of nonprescription drugs to maximize the readability and clarity of label information, in both the cognitive and visual sense. The bill would require the Nonprescription Drug Manufacturers Association to report on a quarterly basis to, and seek advice periodically from, the department and consumer representatives, health professionals, and drug manufacturers regarding the progress made by the nonprescription drug industry with respect to the readability and clarity of labeling information.

This bill would require the director to report to the Legislature on or before December 31, 1993, regarding the progress made by the nonprescription drug industry with respect to the readability and clarity of labeling information. These provisions would be repealed as of January 1, 1994

Ch. 840 (AB 2734) Hunter. State employees: supervisory classes.

(1) Existing law generally requires that for the purpose of appointing persons to civil service classes designated as professional, scientific, or administrative, or for any open employment lists, the State Personnel Board certify to the appointing power the names and addresses of all persons whose examination scores represent the 3 highest ranks on the employment list for the class in which the position belongs.

Existing law contains procedures applicable where certification of 3 ranks is required to ensure that at least 3 names will be certified as available to the appointing power where there are less than 3 names in the top 3 ranks.

These provisions further require that in accordance with board rule, fractional examination scores be made available to the appointing power upon his or her request.

This bill would instead require that fractional examination scores be provided to, and utilized by, the California Highway Patrol for its peace officer classes.

This bill would establish procedures for supervisory classes similar to those contained in all of the above-described provisions except that initial certification by the State Personnel Board would consist only of the names of persons whose scores are in the highest rank.

The bill would require the State Personnel Board to report to the Legislature and the Governor, not later than November 15, 1992, on the impact of 1 rank certification on the appointment of minorities, women, and persons with disabilities.

The bill would specify that it would be applicable to names certified from employment lists on or after January 1, 1991, even if the examination from which the names are certified has been given prior to January 1, 1991.

(2) The Public Employees' Retirement Law prescribes the rate of contribution for state peace officer/firefighter members.

This bill would provide that specified waiver of contributions on premium compensation for planned overtime shall be applicable to State Bargaining Unit 7 as well as State Bargaining Unit 8.

The bill would also provide that the provisions of any addendum to any memorandum of understanding that requires the expenditure of funds shall become effective if the provisions are approved by the Legislature in legislation other than the Budget Act. The

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bill would approve a specified addendum.

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

Ch. 841 (AB 2764) Kelley. Land conservation contracts: cancellation fees.

Under the California Land Conservation Act of 1965 (the Williamson Act), a landowner may enter into a contract with a city or county whereby the amount of the assessed property taxes is reduced in return for keeping the land as an agricultural preserve for a minimum of 10 years. The act specifies that a landowner of land subject to a contract is required, with certain exceptions, to pay a fee for the cancellation of that contract which constitutes a specified percentage of the cancellation valuation of the property. The act defines the cancellation valuation, for these purposes, to be the property's current fair market value as though it were free of the contractual restriction.

This bill would make technical nonsubstantive changes to clarify those provisions.

Under that act, on the annexation by a city of any land subject to a contract with a county, the city succeeds to all rights, duties, and powers of the county under the contract unless the land being annexed was within one mile of the city at the time that the contract was initially executed, the city filed and the local agency formation commission approved a protest to the contract as specified, and the city states its intent not to succeed in its resolution of intention to annex.

This bill would repeal this exception to the succession requirement, except with regard to any executed contract for which a valid protest was filed in accordance with applicable requirements prior to January 1, 1991.

Existing provisions of the California Land Conservation Act of 1965 (the Williamson Act) make various legislative findings and declarations regarding the public interest in the protection and preservation of agricultural land. Existing provisions of the Subdivision Map Act require a legislative body to deny approval of a tentative or parcel map relating to a proposed subdivision of land if the legislative body finds that the land is subject to a Williamson Act contract and the resulting parcels following a subdivision of that land would be too small to sustain their agricultural use. These provisions will be repealed as of January 1, 1991.

This bill would extend these provisions indefinitely, and would thus impose a state-mandated local program by extending the requirements imposed upon local legislative bodies.

The bill would, for specified property, require a conclusive presumption that no protest was filed by the city unless there is a record of the filing of the protest and the protest identifies the affected contract and the subject parcel, and would conclusively presume that required notice was given before the execution of the contract.

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

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 842 (AB 2908) Peace. Consumer credit reporting.

Existing law requires consumer credit reporting agencies to disclose the content of a consumer's file to the consumer free of charge, under specified circumstances, upon request.

This bill would require consumer credit reporting agencies, upon written request, as specified, to create reasonable procedures to prevent file data which reflects credit experience from being used for marketing purposes or for any offer of credit not requested by the consumer, except as specified; and would require consumer credit reporting agencies to advise consumers of this right upon contact by the consumer, as specified.

The bill would also create a cause of action for civil penalties against persons who improperly obtain or misuse consumer credit reporting agency data, as specified.

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Ch. 843 (AB 2932) Eastin. Land use: jobs and housing.

Existing law relating to planning and land use makes no specific requirements concerning the connection between the locations of employment-generating uses and residential uses.

This bill would state the findings and declarations of the Legislature that state land use patterns should be encouraged which balance the location of employment-generating uses with residential uses to minimize employment-related commuting, reduce traffic congestion, improve economic and housing opportunities, and reduce the loss of economic productivity, and to accomplish other purposes.

The bill would also require the Department of Housing and Community Development to prepare a guidebook for use by certain public and private entities in the planning and development of a housing supply to meet the need created by employment growth. The bill would require the final guidebook to be completed no later than December 31, 1993. The bill would also require the Assembly Office of Research to complete a study on the effectiveness of the guidebook, as specified.

Ch. 844 (AB 3037) Speier. Dental group advertising and referral services.

(1) Existing law authorizes dentists to participate in or operate group advertising and referral services, but only under prescribed conditions.

This bill would add an additional condition requiring such an advertising and referral service which makes over 50% of its referrals to one individual, association, partnership, corporation, or group of 3 or more dentists, to disclose that fact in all public communications. Since violation of the conditions imposed by law on this advertising or other public disclosure is a misdemeanor, this bill would impose a state-mandated local program by expanding the definition of a criminal offense.

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

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

Ch. 845 (AB 3054) Friedman. Substance abuse and mental illness: multiple diagnosis.

Existing law provides for various programs for the mentally ill or for persons with substance abuse problems, or both, through the State Department of Alcohol and Drug Programs and the State Department of Mental Health.

This bill would require both departments, jointly, to develop a plan, by July 1, 1994, to appropriately combine funding from the departments for the treatment of persons with multiple diagnoses, defined as diagnoses of chronic mental illness together with substance abuse of either illegal or legal drugs, including alcohol, or both.

Ch. 846 (AB 3086) Klehs. Income taxes: bank and corporation taxes.

The existing Personal Income Tax Law authorizes tax credits for specified personal exemptions, including a tax credit for a head of household and for dependents, as defined. However, that law provides that no credit shall be allowed for the first dependent required to qualify the taxpayer as a head of household.

This bill would delete that limitation, thereby allowing a tax credit with respect to each dependent of the head of household, but would reduce the credit allowed to a head of household to the amount allowed to a single individual. It would provide a new credit until 1992 for a head of household who does not claim a credit with respect to dependents as specified.

The existing Personal Income Tax Law authorizes a specified credit for low-income housing.

This bill would authorize the Franchise Tax Board to provide credit tables to reflect the computation of that credit.

The existing Personal Income Tax Law provides for a withholding credit on group nonresident returns filed by partnerships.

This bill would clarify the application of the withholding credit.

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The existing Personal Income Tax Law requires a withholding agent to withhold and remit taxes.

This bill would provide for the assessment of interest when the withholding agent fails to comply with the withholding provisions.

This bill would provide under the Personal Income Tax Law and the Bank and Corporation Tax Law that specified federal income tax laws relating to bad checks shall apply.

This bill would take effect immediately as a tax levy.

Ch. 847 (AB 3122) Costa. Department of Transportation: passenger rail technologies and facilities study.

Under existing law, the Department of Transportation has various functions and duties pertaining to the planning and operation of passenger rail services, including related studies.

This bill would require the department to conduct a passenger rail technologies and facilities study to identify the availability, feasibility, and approximate costs of railroad signaling systems, ticket vending machines, onboard telephone and facsimile communication systems, train arrival and departure information displays, and telephone information systems, as specified.

The bill would require the department to prepare and submit a report of the study to the Governor and Legislature by August 1, 1991.

The bill would appropriate $95,000 from the Transportation Planning and Development Account in the State Transportation Fund to the department for purposes of the study.

The bill's provisions would not become operative unless Proposition 111 is approved by the voters at the June 5, 1990, direct primary election.

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

Ch. 848 (AB 3211) Felando. Sardines.

Existing law prohibits the taking of sardines except incidentally to other fishing operations, as specified, or pursuant to permits issued under quotas established by the Department of Fish and Game, as specified. Sardines that are incidentally taken may be possessed and used for canning, reduction, or live bait purposes only.

This bill would delete that restriction on the use of sardines that are taken incidentally.

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

Ch. 849 (AB 3219) Friedman. Geriatric Nurse Practitioner and Clinical Nurse Specialist Scholarship Program.

Existing law requires the Office of Statewide Health Planning and Development to establish the Minority Health Professions Education Foundation, which is authorized to solicit and receive private or public sector funds and make recommendations concerning the disbursement of those funds in the form of loans or scholarships to students from underrepresented minority groups accepted to enroll in schools of medicine, dentistry, nursing, or other health professions. Existing law establishes the Minority Health Professions Education Fund, a continuously appropriated fund, within the office to provide scholarships and loans to students from underrepresented minority groups, as specified.

This bill would create the Geriatric Nurse Practitioner and Clinical Nurse Specialist Scholarship Program within the Minority Health Professions Education Foundation. The bill would require a person participating in the program to be enrolled in a nurse practitioner or clinical nurse specialist program and to agree in writing to practice as a geriatric nurse practitioner or geriatric clinical nurse specialist, as defined, pursuant to a contract, for a scholarship amount to be determined by the Director of the Office of Statewide Health Planning and Development, upon recommendation of the Minority Health Professions Education Foundation.

The bill would require the Minority Health Professions Education Foundation, in developing this program, to solicit the advice of designated groups and individuals.

The bill would require the program established by this bill to be funded through the Minority Health Professions Education Fund thereby making an appropriation.

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The bill would repeal the provisions of this act as of January 1, 2000.

Ch. 850 (AB 3274) Hauser. Fish marketing councils: collection of assessments.

Existing law creates marketing councils in the Department of Food and Agriculture, which are authorized to impose assessments on persons engaged in the marketing of various foods, including fish and seafood.

This bill would authorize the Director of Fish and Game to enter into an agreement with the Director of Food and Agriculture for the collection of assessments on behalf of any marketing council for fish and seafood, as specified, and would require the remittal of the collected fees to the Director of Food and Agriculture according to the agreement after making the collection. The bill would authorize the Department of Fish and Game to charge an administrative fee, as specified, to pay the costs of collection, and would require the deposit of the administrative fees in the Fish and Game Preservation Fund.

The Fish and Game Preservation Fund is continuously appropriated to the Department of Fish and Game to carry out the Fish and Game Code. Because this bill would increase the revenues in the fund and would change the duties of the department, it would make an appropriation.

Ch. 851 (AB 3360) Jones. Cotton: one-variety district.

Existing law provides for the regulation of the planting and growing of one variety of cotton in certain areas of the state, designated as one-variety cotton districts. Existing law imposes an assessment fee on any person who has Acala cottonseed delinted in an amount not to exceed $2 per hundredweight on the undelinted weight of cottonseed. It requires that this money be deposited in the Department of Food and Agriculture Fund to be used for the district's purposes.

This bill would increase the maximum assessment permitted under these provisions to $4 and apply this assessment to any cottonseed delinted pursuant to these provisions, and, since that fund is continuously appropriated, the bill would make an appropriation.

Ch. 852 (AB 3378) Chacon. Elections: voters privilege from arrest.

Under existing law, except for a felony, every voter is privileged from arrest while at, or while going to and returning from, his or her polling place on election day.

This bill would repeal that privilege.

Ch 853 (AB 3399) N. Waters. Local public health services.

Existing law, which would be repealed January 1, 1991, provides that, any counties which were eligible for organization and operation of local public health services by the State Department of Health Services as of January 1, 1988, pursuant to specified statutory provisions which base eligibility upon county population being below a specified maximum, shall thereafter continue to be eligible notwithstanding a subsequent increase in total population beyond the statutory limit.

This bill would, instead provide for the repeal of this provision on January 1, 1994, and would make certain technical nonsubstantive changes.

Ch. 854 (AB 3415) Murray. Employment: veterans.

Existing law requires the Employment Development Department to maintain a veterans' placement service devoted to securing work for veterans Existing law further requires the department to develop statewide and area plans for providing job training and placement.

This bill would require the department to determine which military occupational specialties have civilian counterpart jobs which require licensure by state or local agencies, and if any barriers exist which impede military personnel reentering the civilian work force from acquiring these licenses. The bill would further require the department to submit a written report regarding its findings and including recommendations for state legislation needed to remove any obstacles that exist.

The bill would require that the department implement the bill only to the extent federal funds are available.

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Ch. 855 (AB 3487) Burton. Physicians and surgeons: prostate cancer.

Existing law provides that it is unprofessional conduct for a physician and surgeon to fail to inform a patient, by means of a standardized written summary, developed by the State Department of Health Services on recommendation of the Cancer Advisory Council, of alternative efficacious methods of treatment which may be medically viable, as specified, when the patient is being treated for any form of breast cancer. Existing law further requires the physician and surgeon prior to the performance of a biopsy to note on the patient's medical chart that he or she gave the patient this written summary.

This bill would additionally require the department, on recommendation of the Cancer Advisory Council, to develop a standardized written summary of alternative efficacious methods of treatment of prostate cancer, which may be medically viable, as specified The bill would urge physicians and surgeons to make the summary available to patients when appropriate.

Ch. 856 (AB 3527) Eaves. Pipeline safety: direction and control of operations to mitigate hazards.

(1) Under the existing California Pipeline Safety Act of 1981, the State Fire Marshal exercises safety regulatory jurisdiction over interstate pipelines used for the transportation of hazardous or highly volatile liquid substances. Under that act, every rupture, explosion, or fire involving a pipeline is required to be immediately reported to the appropriate fire department that has fire suppression responsibilities and to the Office of Emergency Services.

This bill would define "pipeline" for purposes of the California Pipeline Safety Act of 1981 as including all piping located in a refined products bulk loading facility, and would set forth certain requirements for testing that pipeline.

This bill would impose a state-mandated local program by requiring the fire department having fire suppression responsibilities to immediately notify the State Fire Marshal of the incident. The bill would require the State Fire Marshal to immediately dispatch his or her employees to the scene. It would also state legislative intent with respect to its provisions.

The bill would also authorize the State Fire Marshal to employ six field deputies to carry out its provisions.

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

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 857 (AB 3621) O'Connell. California Avocado Commission: membership.

Existing law establishes the California Avocado Commission to carry out a program relating to the promotion of avocados. Under existing law, the commission consists of 15 members, 4 of whom are handlers of avocados, of which 2 are elected by and from handlers who are not within any cooperative handling avocados, and 2 are elected by and from cooperatives handling avocados.

This bill would require that if either a handler from any cooperative handling avocados or a handler who is not within any cooperative handling avocados markets 30% or more of the volume of avocados in the preceding marketing season, as annually determined by the Director of Food and Agriculture, the handler is authorized to nominate and elect one handler member to the commission.

Ch. 858 (AB 3714) Elder. Courts: night session.

Existing law expressly authorizes municipal courts with 3 or more judges to schedule night sessions in one department for criminal matters.

This bill would require the Judicial Council to conduct a prescribed study of court

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sessions conducted at other than regular hours, and to report findings and recommendations to the Legislature by January 1, 1992.

Ch. 859 (AB 3782) Tucker. Employees: school visits.

Existing law prohibits an employer from discriminating against an employee in the terms and conditions of employment under certain circumstances.

This bill would prohibit an employer, who employs 25 or more employees working at the same location, from discharging or in any way discriminating against an employee who is a parent or guardian of any child in kindergarten or grades 1 to 12, inclusive, for taking off 4 hours each school year, per child, to visit the school of the child, if the employee, prior to taking the time off, gives reasonable notice to the employer of the planned absence of the employee. It would require an employee to utilize existing vacation, personal leave, or compensatory time off for purposes of this planned absence, unless otherwise provided by a collective bargaining agreement, and, if requested by the employer, to provide documentation, as prescribed, from the school as proof of these visits.

The bill would also provide that any employee who is discharged or otherwise discriminated against by an employer because the employee has taken time off to visit the school of his or her child shall be entitled to reinstatement and reimbursement for lost wages and work benefits. In addition, the bill would provide that any employer who willfully refuses to reinstate or reimburse an aggrieved employee, as specified, shall be subject to a civil penalty in an amount equal to 3 times the amount of the employee's lost wages and work benefits. These provisions would not apply to the state.

Ch. 860 (AB 3912) Cannella. Deferred maintenance funding: Keyes Unified School District.

Existing law authorizes the State Allocation Board to reserve up to 10% of the funds transferred to the State School Deferred Maintenance Fund to fund increases in the deferred maintenance apportionment to a school district for any fiscal year under certain conditions, including the existence of an extreme hardship and the condition that the district have deposited a designated matching share amount in its deferred maintenance fund for that fiscal year.

This bill would authorize the State Allocation Board, pursuant to specified findings, to grant that supplemental deferred maintenance apportionment to the Keyes Unified School District for the 1984–85 fiscal year in the amount of increased funding to which that district would be statutorily entitled without regard to the date upon which that district deposited the required matching share amount in its deferred maintenance fund.

Ch 861 (AB 4031) Vasconcellos. AIDS vaccine.

(1) Under existing law, funds have been appropriated for the purpose of subsidizing any clinical trials with humans for an AIDS vaccine which are approved by a federal Food and Drug Administration (FDA) protocol. Existing law also provides that it is the intent of the Legislature to establish the AIDS Clinical Trials Testing Fund which will be available to not more than 3 California manufacturers of an AIDS vaccine approved by the FDA for clinical trials with humans and that the funds are to be appropriated to the manufacturers specified in the FDA approved protocol for administering clinical trials.

Under existing law, the Sherman Food, Drug and Cosmetic Act, the selling, delivering, or giving away of any new drug is prohibited unless a new drug application has been approved pursuant to prescribed provisions of federal law or the State Department of Health Services has approved a new drug application, as specified. Existing law also provides exceptions to the above if it is a drug intended solely for investigational use by experts and the investigation is conducted in accordance with specified provisions of federal law or if other prescribed conditions are satisfied, including the submission of certain information to the department prior to the clinical testing of the drug.

This bill would, instead, provide that it is the intent of the Legislature to establish the AIDS Clinical Trials Testing Fund which will be available to not more than 3 California

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manufacturers of an AIDS vaccine approved by the FDA or the department for clinical trials with humans.

The bill also would require the AIDS Vaccine Research and Development Advisory Committee to review requests from California manufacturers for funds from the AIDS Clinical Trials Testing Fund and to make recommendations to the department regarding the award of funds, including the appropriate amount of funding. The bill furthermore would authorize the department, taking into consideration the committee's recommendations, to allocate the funds to the manufacturers specified in the protocol approved by the FDA or department for administering clinical testing.

The bill would permit a California manufacturer seeking the approval of the FDA, rather than the department, for administering clinical trials of an AIDS vaccine to apply while FDA approval is pending to the AIDS Vaccine Research and Development Advisory Committee for the committee's recommendation that the manufacturer receive funds from the AIDS Clinical Trials Testing Fund upon FDA approval

(2) Under existing law, the AIDS Vaccine Victims Compensation Fund has been created, from which the State Board of Control is required to pay for certain damages for personal injuries caused by an AIDS vaccine, as specified. For purposes of the award of damages, AIDS vaccine is defined, in part, as a vaccine which is approved by the FDA as a safe and efficacious vaccine for the purpose of immunizing against AIDS. Existing law also requires the fund to be funded wholly by a surcharge on the sale of an FDA-approved AIDS vaccine in California in an amount to be determined by the State Department of Health Services

This bill, for purposes of the above, would define AIDS vaccine, in part, as a vaccine which is approved by the FDA or the department pursuant to the Sherman Food, Drug and Cosmetic Law, and would require the fund to be funded wholly by a surcharge on the sale of an AIDS vaccine, approved by the FDA or the department pursuant to the above law, in California in an amount to be determined by the department. The additional surcharge imposed by this bill on a department-approved AIDS vaccine would be a state tax for purposes of Section 3 of Article XIII A of the California Constitution, requiring a ⅔ vote of all members elected to each house of the Legislature.

(3) Under existing law, the AIDS Vaccine Guarantee Purchase Fund has been established, which the department is required to administer for the purchase of an AIDS vaccine. In determining which vaccine shall be purchased by the state from among those manufacturers selling or distributing in California, an FDA-approved AIDS vaccine, the department is required to take specified factors into account.

This bill would extend the above eligibility to manufacturers selling or distributing in California an AIDS vaccine approved by the department pursuant to the Sherman Food, Drug and Cosmetic Law.

The bill would make technical conforming changes related to the above.

Ch. 862 (AB 4091) Mojonnier. PERS school members' death and survivor benefits.

An existing provision of the Public Employee's Retirement Law, which is optional to school districts and community college districts, eliminates the requirement, upon remarriage, of termination or actuarial reduction of certain survivor allowances and special death benefits paid to the surviving spouse on account of the preretirement death of the member-spouse and thereby makes those unreduced allowances and benefits payable for life.

This bill would eliminate the optional nature of that provision with respect to school districts and community college districts, thereby making it mandatory upon those districts.

This bill would also prescribe related unspecified increases in the school employer contributions to the Public Employees' Retirement Fund The resulting costs to school districts and community college districts would constitute state-reimbursable, state-mandated local program costs

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

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

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 863 (AB 4124) Chacon. Advertising.

Existing law does not prohibit the advertising of a price based on a rebate to be paid by a manufacturer.

This bill would make it unlawful to advertise a price that requires the buyer to send a coupon to the manufacturer for a cash rebate unless the price actually paid to the person selling the item is clearly and conspicuously advertised along with the final price with the coupon.

This bill would impose a state-mandated local program by adding a new crime since a violation of the above provision would constitute a misdemeanor.

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

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

Ch. 864 (AB 4145) Assembly Committee on Human Services. Adoption.

Existing law provides for independent adoptions where no agency licensed to place children for adoption is a party. Existing law also provides for the payment of a $500 fee by the petitioners in such an adoption proceeding to the State Department of Social Services or the county adoption agency prior to filing by the department or the agency of a favorable report with respect to the adoption with the court. Existing law further provides that petitioners and all persons from whom consent is required for that adoption and whose addresses are known shall be interviewed by the State Department of Social Services or by a licensed county adoption agency as soon as possible, and in the case of residents of California within 45 working days, excluding legal holidays, after the filing of the adoption petition.

This bill, until January 1, 1993, would authorize petitioners for an independent adoption for which a $500 fee is charged, deferred, reduced, or waived by the county adoption agency or the State Department of Social Services, upon giving 10 days' written notice to the State Department of Social Services or the licensed county adoption agency responsible for the investigation of the adoption, to request the superior court in which the adoption petition has been filed, or the superior court in the county in which the birth parent resides, to permit the signing of the consent in the presence of the court by any person whose consent is required for the adoption, if the State Department of Social Services or the licensed county adoption agency fails without good cause, as defined, to conduct the interviews as specified above.

The bill would make additional changes to conform to the recodification of certain adoption laws proposed by AB 3532 and would with these changes additionally require waiver of the $500 fee if any of these consents is taken in the presence of the court pursuant to the bill, to be operative July 1, 1991, and only if AB 3532 is enacted and makes certain changes.

Ch. 865 (AB 4157) N. Waters. Escrow agents.

Existing law vests the director and other persons designated by the Director of the Department of Housing and Community Development with peace officer powers only for the purpose of service of warrants or documents and for the cooperation with law enforcement agencies in the collection of information.

This bill would require the department to notify any concerned governmental agency whenever it is determined by investigation that an escrow agent has done any of certain specified acts.

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Ch. 866 (AB 4160) Katz. Toxic household products.

Under existing law, the State Department of Health Services is required to adopt regulations and administer standards for the special packaging of household substances, as defined, pursuant to the California Poison Prevention Packaging Law. Under existing law, the department also administers the Sherman Food, Drug, and Cosmetic Law, which provides for regulation of, among other things, packaging, labeling, and advertising of food, drugs, devices, and cosmetics, as defined.

This bill would enact the Children's Poison Protection Act of 1990. This bill would require a toxic household product, as defined, manufactured on and after January 1, 1992, that contains any of certain specified substances and sold in this state to include a bittering agent within the product, unless the product is packaged with child-resistant safety closures, as specified. This bill would provide a different compliance date for certain toxic household products registered with the federal Environmental Protection Agency. The bill would require manufacturers of toxic household products that contain other specified substances to package their products with these child-resistant safety closures.

This bill would make it unlawful for any person to distribute or sell a toxic household product or cause a toxic household product to be distributed or sold in this state if it does not meet the requirements of the act. This bill would authorize any person to bring a civil action to enforce the requirements of the act and would authorize the award of exemplary damages in connection with the civil action.

This bill would make any person who violates any requirement of the act liable for a civil penalty not to exceed $5,000 for each day of violation, which would be assessed and recovered in a civil action brought by the Attorney General. This bill would require all civil penalties collected to be deposited in the Children's Poison Protection Act of 1990 Fund, which this bill would create, to be allocated by the Emergency Medical Services Authority, when appropriated thereto by the Legislature, to the California Regional Poison Control Centers for the purpose of their poisoning prevention education programs.

Ch. 867 (AB 4173) Areias. State vehicular recreation areas. off-highway vehicles.

Under existing law, the Hollister Hills State Vehicular Recreation Area is part of the State Vehicular Recreation Area and Trail System, except for 280 acres set aside for nature study and closed to the operation of off-highway motor vehicles, as specified.

This bill would provide that approximately 395 acres at Hollister Hills State Vehicular Recreation Area, identified as a "Buffer Zone," plus approximately 196 additional acres identified in a specified environmental impact report for acquisition of additional land at the Hollister Hills State Vehicular Recreation Area, are closed to the operation of off-highway motor vehicles.

Ch. 868 (AB 4190) Farr. Commercial fishing: landing receipts.

(1) Existing law requires a copy of the landing receipt, as specified, to be delivered to the commercial fisherman at the time of the purchase or receipt of the fish landed.

This bill would require the delivery of a copy of the landing receipt to an agent of the crew taking the fish. A violation of that requirement would be a misdemeanor under existing law; thus, the bill would impose a state-mandated local program by creating a new crime.

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

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

Ch. 869 (AB 4219) Lempert. Aging: Health Insurance Counseling and Advocacy Program.

Existing law establishes the Health Insurance Counseling and Advocacy Program through the Department of Aging, to provide Medicare beneficiaries with counseling and advocacy in Medicare, private health insurance, and related health care coverage

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plans. Services are provided under the program by contracting agencies and by volunteers.

This bill would prohibit any volunteer health insurance counselor from providing counseling services unless he or she is registered with the Department of Aging, and would establish minimum training requirements which must be met before the department may register a volunteer health insurance counselor.

The bill would specify that any registered volunteer health insurance counselor is not liable for a negligent act or omission, except a grossly negligent act or omission, or intentional misconduct, in providing counseling services, and would require that the counselors disclose that information in writing to the recipients of health insurance counseling services. It would also provide that a counselor is not liable to specified persons for defamation, trade libel, slander, or similar actions based on statements made while providing counseling, unless a statement was made with actual malice.

Ch. 870 (AB 4221) Klehs. Notice: life insurance.

Existing law contains various provisions dealing with the valuation of life insurance benefits.

This bill would provide that if a policy of life insurance becomes paid up pursuant to a paid up nonforfeiture benefit, the insurer shall send a notice to the owner advising the owner that he or she may request the insurer to send notices to all direct beneficiaries named in the policy. The bill would require the insurer upon request to send the notices containing specified information to the beneficiaries, and to provide additional information upon request of the beneficiaries.

Ch. 871 (AB 4241) Connelly. Aged, blind, and disabled persons: special circumstances reimbursements.

Existing law provides for supplementary income payments to aged, blind, or disabled persons who are also eligible for assistance under the federal Supplemental Security Income (SSI) program, or who, but for their income, would be eligible for assistance under that federal program.

Under existing law, the state provides for additional payments to aged, blind, or disabled persons in special circumstances under the State Supplementary Program (SSP), including a recurring special need allowance for dog food of $30 per month to every blind recipient who has a guide dog.

This bill would increase that special need allowance to $40, and further increase that amount to $50 beginning July 1, 1991, would provide that the allowance shall be provided for blind or disabled recipients of benefits under the SSI and SSP programs, and would specify that the allowance shall be for guide dogs, signal dogs, or other service dogs, to pay for dog food and other costs associated with their care and maintenance.

Ch. 872 (AB 4267) Harris. Financial transactions: real property.

Existing law regulates the disbursement of funds from an escrow account by a title insurance company, controlled escrow company, or underwritten title company. Generally, except for drafts, deposits not accorded next day availability pursuant to federal regulations may not be disbursed until the day on which these funds must be made available to depositors. However, if the financial institution informs the company in writing of final settlement, deposits other than drafts may be disbursed.

This bill would provide that, for that purpose, an electronically transmitted document that specifies that final settlement has occurred constitutes written notice as to an individual item. The bill would also make a related, technical change.

Ch. 873 (AB 4361) Leslie. Osteopathic physicians and surgeons.

Existing law does not prohibit an osteopathic physician and surgeon from employing an unlicensed person to assist in acts which may be performed by any unlicensed person.

This bill would state that an osteopathic physician and surgeon may employ an aide to assist him or her in the rendering of osteopathic manipulative treatment, as specified.

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Ch. 874 (SB 2444) Rogers. Assault weapons.

Existing provisions of the Roberti-Roos Assault Weapons Control Act of 1989 prohibit any person, as defined, within this state from manufacturing, causing to be manufactured, distributing, transporting, importing into the state, keeping for sale, offering or exposing for sale, giving or lending, or possessing any assault weapon, except as specified. For these purposes, existing law defines "assault weapon" to include specifically named rifles, pistols, and shotguns.

Existing law also sets forth a procedure whereby, upon the request of the Attorney General, a superior court in a county containing a population of 1,000,000 or more may issue a temporary suspension and a permanent declaration that a particular firearm is an assault weapon.

This bill would require the Attorney General to prepare a description for identification purposes, as specified, of each assault weapon which has been specifically named in the act or subsequently declared by a superior court to be an assault weapon and to distribute these descriptions to law enforcement agencies.

This bill would also require the law enforcement agencies receiving the descriptions of assault weapons to make the descriptions available to all agency personnel, thereby imposing a state-mandated local program.

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

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 875 (SB 2421) Royce. Life care contracts.

Existing law defines and provides for regulation by the State Department of Social Services of various facilities providing care for mentally ill, developmentally and physically disabled, and other children and adults, as community care facilities. The department also supervises the licensure and operation of residential care facilities for the elderly. Existing law also provides for the appointment of a receiver, upon petition of the State Department of Health Services, to operate a long-term health care facility, as defined, when the facility is found to be in a condition that continued operation by the licensee presents a substantial probability or imminent danger of serious physical harm or death to the patients.

Existing law provides for the licensure and supervision of the sale and administration of life care contracts, as defined, by the State Department of Social Services.

This bill would repeal the existing statutory provisions related to the licensure and supervision of the sale and administration of life care contracts, as defined, and would enact new statutory provisions related to execution, administration, and supervision of life care contracts, as defined.

This bill would express legislative findings and declarations, define terms, regulate the sale of deposit subscription agreements, as defined, create the Committee on Continuing Care Contracts of the State Social Services Advisory Board and prescribe its duties, and create the Continuing Care Provider Fee Fund and continuously appropriate the money therein to the department, as specified.

This bill would regulate the construction of continuing care facilities and enact provisions regulating the issuance of certificates of authority and continuing care contracts, as defined, by continuing care providers, as defined. This bill would provide for the licensing of providers and the suspension or revocation of licenses in prescribed circumstances, require approval from the department whenever a provider sells or transfers ownership of a continuing care facility, require providers to submit annual reports, as specified, to the department, and establish fees to be collected by the department from providers.

This bill would establish penalties for violations of the act, including misdemeanors,

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thereby creating a state-mandated local program. This bill would authorize the district attorney of every county, upon application by the department, to institute and conduct the prosecution of any action for violation of this bill.

This bill would also establish procedures for the department to petition the superior court for the appointment of a qualified administrator to operate a continuing care facility under prescribed conditions.

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

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

Ch. 876 (SB 2473) C. Green. STRS: employer contributions.

Existing provisions of the State Teachers' Retirement Law enacted in 1985 require school districts and other agencies employing members of the State Teachers' Retirement System to contribute monthly to the Teachers' Retirement Fund 0.25% of the salaries upon which members' contributions are based, commencing with the 1986–87 fiscal year, and require certain related reports and fund transfers, the times for which have passed.

This bill would repeal the obsolete reporting and fund transfer provisions

Ch. 877 (SB 2475) Craven. Harmful matter.

Existing law requires any person who sells or rents video recordings of harmful matter to create an area for the placement of video recordings of harmful matter in a location labeled "adults only."

This bill would also require any material which advertises the sale or rental of these video recordings to be included in the restricted area. The bill would also require any person who sells or distributes video recordings of harmful matter to others for resale purposes to inform the purchaser of the current requirement regarding the creation of a separate area.

Ch. 878 (SB 2487) Killea. Transportation planning: airport ground access.

(1) Existing law requires each transportation planning agency to adopt, and to update every 2 years, a regional transportation plan directed at the achievement of a coordinated and balanced regional transportation system, including mass transportation, highway, railroad, maritime, and aviation facilities and services. The regional transportation plan is required to contain specified elements.

This bill would impose a state-mandated local program by requiring each transportation planning agency whose planning area includes a primary air carrier airport, to include an airport ground access improvement program in conjunction with its preparation of an updated regional transportation plan.

The bill would specify the objects of that study and would require that highest consideration be given to mass transit for airport access improvement projects in the program.

The bill would authorize transportation planning agencies to charge the operators of primary air carrier airports for the costs of preparing and updating the airport ground access improvement programs if federal funds are not available for that purpose, and would require airport operators to pay the charges so imposed

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

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

Ch. 879 (SB 2532) Marks. Glass.

(1) Existing law requires a refund value on beverage containers. Existing law also requires counties and cities to adopt source reduction and recycling elements for the countywide integrated waste management plan, which include an implementation schedule which shows that the county or city will divert 25% of all solid waste from

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landfill or transformation facilities by January 1, 1995, and 50% by January 1, 2000.

This bill would enact the Clean Glass Recycling Act of 1990. The bill would prohibit the sale, manufacture, or distribution of beverage and food containers, as defined, made of glass, which contain ceramic materials, as specified, on and after January 1, 1991. The bill would provide fines and civil penalties for violations of the prohibition, thereby imposing a state-mandated local program by creating a new crime.

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

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

Ch. 880 (SB 2546) Ayala. Vehicles: apportioned registration: fees.

Under existing law, the Reciprocity Commission may enter into an agreement on behalf of the state with a foreign jurisdiction providing for the registration of commercial vehicles used in interstate commerce on an apportionment or allocation basis. The commission may, on behalf of the state, enter into and become a member of the International Registration Plan Agreement developed by the American Association of Motor Vehicle Administrators.

This bill would increase, by $1, the fees required to be paid to the Department of Motor Vehicles for apportioned registration under these provisions. The money collected, less the department's administrative costs, would be available, upon appropriation, to the department for payment to the association acting as the repository for that plan.

Ch. 881 (SB 2547) Keene. Mobilehome parks: occupancy by care givers.

Existing law precludes a mobilehome park from charging an extra fee for occupancy of a mobilehome in the park by members of the immediate family of the homeowner and certain guests.

This bill would prohibit the management of an adults-only mobilehome park from charging a fee for occupancy of a mobilehome in a mobilehome park by any adult person providing live-in health care or live-in supportive care for a homeowner 55 years of age or older, pursuant to a written treatment plan prepared by the homeowner's physician.

Ch. 882 (SB 2558) L. Greene. Housing: mobilehome park rehabilitation.

Under existing law, the Department of Housing and Community Development is authorized to make deferred-payment loans from the continuously appropriated Housing Rehabilitation Loan Fund to finance actual costs incurred to meet rehabilitation standards for rehabilitation of mobilehome parks, as defined, for occupancy by lower income households.

This bill would, in addition, permit those deferred-payment loans to be used for financing actual costs incurred to correct or eliminate specified infrastructure or utility system deficiencies or to make specified park improvements in mobilehome parks. The bill would require that at least 50% of the households residing in the park be lower income households. The bill would require that applications for assistance for rehabilitation or replacement of infrastructure or utilities systems, or both, in mobilehome parks or recreational vehicle parks be accepted for programs funded with bond funds approved by the voters after the effective date of the bill or other funds specifically appropriated for rehabilitation purposes pursuant to existing law or for the purposes prescribed in this bill. The bill would permit the department to establish appropriate loan limits and to adopt emergency regulations to implement these provisions. By creating additional purposes for which the continuously appropriated fund may be used, the bill would make an appropriation.

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

Ch. 883 (SB 2660) Maddy. American Indians: vital statistics. [11]

Existing law prescribes the responsibilities of various local officials regarding death registration, and specifies the required contents of the certificate of death, including, but not limited to, the color or race of the decedent.

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This bill would declare that studies show an unacceptably high rate of error in the completion of death certificate information recording ethnicity for American Indian infants, as specified.

The bill would require the State Department of Health Services to cause to be undertaken a 3-phase, 3-year study for the purpose of establishing more valid statistics regarding the death rate for American Indians, as specified.

This bill would require that the department report to the Legislature, regarding its implementation of the requirements of the bill and the results of the study, on or before January 1, 1994.

These provisions would remain in effect only until January 1, 1994, and as of that date would be repealed.

This bill would appropriate $145,000 to the State Department of Health Services for the 1st year of implementation of its requirements.

Ch. 884 (SB 2563) Mello Commercial fishing: gill and trammel nets: sea otters.

(1) Senate Bill 473 of the 1989-90 Regular Session (Ch. 25, Stats. 1990), made specified changes to prohibitions on the use of gill nets and trammel nets in specified areas of Districts 17 and 18, and revised the areas of Districts 17 and 18 for which persons are required to comply with certain notification and monitoring requirements to protect marine mammals

This bill would further revise those areas of Districts 17 and 18 for which the use of the nets is prohibited. The bill would revise those areas of Districts 17 and 18 for which persons are required to comply with the notification and monitoring requirements.

A violation of these provisions would be a crime pursuant to other provisions of law, thereby imposing a state-mandated local program.

The bill would delete the authority of the Director of Fish and Game to issue an order allowing the use of nets in a specified area of District 18 and would, instead, authorize the director to permit the use of nets in that area by public announcement.

The bill would require the director to appoint an advisory committee, as specified, relating to the closures.

The bill would require the Department of Fish and Game to explore, as alternatives to the use of gill and trammel nets, commercially viable fishing gear and methods, which are not detrimental to marine species, as specified, and which may be used to take California halibut in prescribed closed areas. The bill would require the department to consider issuing experimental gear permits to a specified class of fishermen to use commercially viable alternative fishing gear and methods in the California halibut fisheries in those areas. The bill would waive a specified requirement for eligibility to obtain a herring gill net permit for that specified class of fishermen from January 1, 1991 to January 1, 1993 and would prescribe related matters

(2) Existing law continuously appropriates the money in the Fish and Game Preservation Fund to the department to carry out its duties under the Fish and Game Code.

Because this bill would impose additional duties on the department under its provisions, thereby making the money in the fund available for a new purpose, the bill would make an appropriation.

(3) The bill would appropriate $143,000 from the Environmental License Plate Fund to the department for specified purposes relating to the sea otter population.

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

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

Ch. 885 (SB 2712) Dills. Community colleges: contracts.

Existing law authorizes governing boards of community college districts to contract for, among other goods and services, the procurement or maintenance, or both, of electronic data-processing systems and supporting software, subject to specified competitive bidding requirements. Existing law also requires that specified publishing requirements be satisfied in securing bids for contracts.

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This bill would authorize governing boards of community college districts to contract with a party who has submitted a competitive proposal. The bill would also expand the types of electronic materials which could be obtained by a community college governing board through this process to include electronic telecommunication equipment and other materials, as specified.

This bill would also require the publishing requirements to be satisfied for proposals for contracts.

Ch. 886 (SB 2762) Marks. Disability insurance: dietitian services.

Under existing law, disability insurance may include or exclude various health-related benefits. Existing law also authorizes disability insurance to limit certain of these benefits by requiring that a licensed physician and surgeon prescribe them.

This bill would authorize disability insurance to provide a benefit for the services of a dietitian or a registered dietitian, subject to the limitation that the benefit be paid only if rendered pursuant to a method of treatment prescribed by a licensed physician and surgeon.

The bill would also specify that its provisions do not require disability insurers to automatically pay for services provided by a dietitian or a registered dietitian.

Ch. 887 (SB 2766) Royce. Actions.

Existing law authorizes a trial court to require a party, the party's attorney, or both, to pay any reasonable expenses incurred by another party as a result of tactics or actions not based on good faith which are intended to cause unnecessary delay, or are employed solely to harass an opposing party, as specified.

This bill would provide that, in addition to any award pursuant to the above provisions, the court may assess punitive damages against a plaintiff who brings an action against the victim, as specified, of a felony for which the plaintiff was convicted, for injuries arising from the acts for which the plaintiff was convicted of a felony, as specified.

This bill would also make legislative findings and declarations that these provisions are to ensure that suits are not filed for a vexatious, fraudulent, malicious, or oppressive purpose.

Ch. 888 (SB 2787) Robbins. Vehicles: financial responsibility.

Under the Robbins-McAlister Financial Responsibility Act, drivers are generally required to provide evidence of financial responsibility and to comply with other related provisions until January 1, 1991. Violators are subject to fines of $75, and, in certain cases, $180, and specified penalty assessments. Existing law requires $10 of the fines and forfeitures deposited with the county treasurer for those violations to be deposited in a special account to defray costs related to the act.

This bill would increase those fines to $95 and $200, respectively. The bill would increase that amount required to be deposited in the special account to $17.50.

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

Ch 889 (SB 2793) Roberti. Bone marrow donors.

Existing law imposes a variety of duties on the Office of Statewide Health Planning and Development which relate to the provision of health care.

This bill would require the office to administer demonstration projects to increase the awareness within ethnic minority communities of the shortage of potential bone marrow donors and to promote activities which will increase the pool of potential bone marrow donors within those communities. It would require the office to award one-time grants to nonprofit blood collection centers which are members of the California Blood Bank System and are located in the Counties of San Diego, Orange, Los Angeles, Fresno, and Sacramento, and the City and County of San Francisco to be used for outreach purposes, as specified, and would prohibit grants to nonprofit blood collection centers in any single county from exceeding a total of $20,000.

The bill would require a center, in order to be eligible for funds, to provide certain matching funds and to establish a volunteer advisory committee for each targeted minority community, as prescribed. The bill would require the office to prepare a report

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of its findings and recommendations concerning the demonstration projects and submit the report to the Governor and the Legislature on or before June 30, 1992.

The bill would make its provisions inoperative on June 30, 1992, and would repeal it as of January 1, 1993.

The bill would appropriate $145,000 from the Health Data and Planning Fund to the office for the purpose of funding the demonstration projects.

Ch. 890 (SB 2498) Presley. Termination of tenancy: procedure.

Existing law requires any person commencing an action in unlawful detainer for nonpayment of rent to first provide the tenant, as specified, with a 3-day notice to pay the rent owed or quit the rental premises.

This bill would provide that, with respect to commercial real property, which the bill would define as all tenancies, except tenancies of specified dwelling units, mobilehomes, and recreational vehicles, the court in an unlawful detainer action shall give judgment for the landlord where the amount of rent claimed in the 3-day notice is a reasonable estimate, as specified, and there is rent owed by the tenant. The bill would specify that the tenant shall be deemed to be the prevailing party in such an action if the tenant tenders an amount reasonably estimated as the rent owed or any greater amount to the landlord, even though less than the amount specified in the 3-day notice. The bill would permit a tenant who reasonably underestimates the rent owed to stay in possession upon payment to the landlord of any deficiency and other sums ordered by the court within 5 days following the effective date of the court's judgment. The bill would require a landlord maintaining an action in unlawful detainer to specify partial payments received from the tenant in his or her complaint. The bill would specify that acceptance of a partial payment of rent after filing of the complaint in unlawful detainer does not constitute a waiver of rights or defenses if the partial payment was accepted subject to express nonwaiver of the landlord's rights, and that the landlord may amend the complaint to reflect the partial payment without the necessity for a responsive pleading by the tenant, in which case the action could proceed without delay.

Ch. 891 (AB 1430) Eastin. Hazardous Materials Use Reduction Institute.

Existing law requires any business which handles a hazardous material, except as specified, to adopt a business plan for response to the release of hazardous materials and to annually submit an annual inventory to the local administering agency.

This bill would make a statement of legislative intent and would request the University of California to report to the Legislature, by March 1, 1991, on existing research and teaching programs relating to hazardous materials and the feasibility of establishing a Hazardous Materials Use Reduction Institute, as specified.

Ch. 892 (AB 2675) Hannigan. Property taxation: change of ownership statements.

Existing law provides for the filing of a change in ownership statement containing specified information, including a prescribed notice, whenever a change in ownership of real property or a mobilehome subject to local property taxation occurs.

Existing law requires until January 1, 1991, the assessor and the recorder to make available, without charge and upon request, preliminary change in ownership reports, in a specific form, which transferees of real property may complete and file concurrently with the recordation of documents evidencing a change in ownership.

This bill would impose a state-mandated local program by deleting language repealing those provisions, thereby continuing indefinitely those requirements relative to the assessor and the recorder making available preliminary change in ownership reports in a specific form.

Existing law also requires until January 1, 1991, every owner of tax-exempt real property to report specified information to the local assessor regarding certain conveyances of the right to use that real property within 60 days of the transaction. However, that requirement applies only in those counties in which the board of supervisors, by ordinance or resolution, specifically elects to have those requirements applicable.

This bill would delete language repealing those provisions, thereby continuing indefinitely that authorization.

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

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

Ch. 893 (AB 2686) Speier. Courts: attorneys' fees and costs.

Under existing provisions of the Family Law Act, the court may award attorneys' fees and costs where just and reasonable under the circumstances of the parties. In determining what is just and reasonable the court must consider (1) the need for the award to enable each party to have sufficient financial resources to adequately present his or her case and (2) the extent to which a party's conduct or his or her attorney's conduct furthers or frustrates settlement and cooperation. An award of attorneys' fees and costs based on the conduct of a party or his or her attorney is in the nature of a sanction and the court when imposing this sanction is required to consider all evidence concerning the parties' incomes, assets, and abilities in awarding attorneys' fees in these cases. A court is prohibited from imposing this sanction if it would impose an unreasonable financial burden.

This bill would clarify that a court may award attorneys' fees and costs where that award would be just and reasonable under the relative circumstances of the respective parties. Alternatively, a court would be authorized to award attorneys' fees and costs as a sanction based upon a party's conduct or his or her attorneys' conduct which furthers or frustrates settlement and cooperation, to be paid from the property or the community property share of the party against whom the sanction is imposed. With respect to an award of attorneys' fees and costs that is just and reasonable under the relative circumstances of the respective parties, this bill would specify that the fact that the party requesting an award of attorneys' fees and costs has the resources from which he or she could pay his or her own attorneys' fees and costs is not itself a bar to an order that the other party pay part, or all, of the fees and costs requested. The financial resources from which a party could pay his or her attorneys' fees and costs would be only one factor for the court to consider in determining how to apportion the cost of the litigation equitably between the parties under their relative circumstances. In order to obtain an award of attorneys' fees and costs in the nature of a sanction, the requesting party would not be required to demonstrate any financial need for the award. Further, the party against whom a sanction is imposed would be required to be provided notice and an opportunity to be heard.

Ch. 894 (AB 2840) Woodruff. Office of Emergency Services: volunteers: reimbursement of travel costs.

Existing law provides for the Office of Emergency Services within the Governor's office, which is authorized to utilize the services of volunteers, including private search dog teams, in responding to a state of emergency

This bill would require the office to: (1) reimburse disaster search dog handlers for the cost of their travel and that of their dogs to training facilities within California, (2) conduct a study to determine the feasibility and effectiveness of cross-training existing law enforcement patrol or contraband detection dog teams, or both, to function also as disaster search dog teams, and report its findings to the Legislature by January 31, 1991, (3) provide instruction to California disaster dog trainers in Swiss techniques, (4) work to secure authorization to conduct training for disaster search dog teams at specified facilities on the grounds of Camp San Luis Obispo, and (5) engage in recruiting activities for the purpose of increasing the number of disaster search dog teams in southern California.

This bill would also appropriate $25,000 from the General Fund to the office to carry out the purposes of the bill

This bill would require that any additional funding for the purposes of the bill be contingent upon the availability of funds in the annual Budget Act.

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Ch. 895 (AB 3097) Leslie. Transit buses: exhaust.

(1) Existing law prohibits the exhaust gases of a vehicle from being directed to the side, as specified, and defines a transit bus for specified purposes.

This bill would, on or after January 1, 1993, prohibit the operation of any 1993 or later model year bus, which operates on diesel fuel, designed for carrying 45 or more seated passengers, including the driver, unless the exhaust system on that bus discharges upward or to the rear, above the passenger compartment, on the left side and to the rear of the vehicle. The bill would also prohibit, on or after January 1, 1993, the operation of any bus, motor truck, or truck tractor, not in compliance with specified federal exhaust system standards. Because a violation of these provisions would be an infraction under other provisions of existing law, the bill would impose a state-mandated local program.

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

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

Ch. 896 (AB 3165) Frizzelle. Public Utilities Commission: gas transmission system.

Under existing law, no gas corporation may begin construction of a line, plant, or system, or any extension thereof, without having first obtained a certificate of convenience and necessity from the Public Utilities Commission. The commission, as a basis for granting the certificate, is required to give consideration to certain specified factors.

This bill would require the commission to also consider the state's need to provide sufficient and competitively priced natural gas supplies for present and future residential, industrial, commercial, and utility demand in issuing a certificate of convenience and necessity for additional natural gas pipeline capacity proposed for construction within this state. The bill would require, when the commission makes a specified finding, that it expeditiously issue certificates of convenience and necessity for the additional capacity projects.

Ch. 897 (AB 3351) Roybal-Allard. County health care facilities: public contracts.

Existing law requires a board of supervisors of a county to meet specified requirements when entering into contracts for the county, including requirements to adopt plans, specifications, strain sheets, and working details for the work, to advertise and give notice for bids for the contract, to offer equal access to all bidders, and to award the contract to the lowest bidder. Existing law requires plans and specifications adopted by the board, and all contracts, to be altered or changed only in accordance with specified procedures. Existing law requires the contractor to execute a bond for faithful performance, as specified.

This bill would, until January 1, 1996, permit the board to negotiate contracts and to enter into contracts, if the board, by a ⅘ vote, certifies that there is an urgent need to expeditiously construct or expand county health facilities, as specified, for the construction, alteration, or expansion of county health care facilities, as defined, without requiring the board to meet those requirements, except for the requirements concerning procedures for altering plans, specifications, or contracts, and except for the requirement for the contractor to execute a bond. The bill would also require the contractor to execute a bond for the payment of claims for labor and materials. The bill would require the contracts awarded pursuant to its provisions to be considered a public works project, as specified.

The bill would additionally require those contracts exempted from the above-described public contract requirements to be entered into after a public hearing on the basis of a request for proposals, advertised as specified, and after at least 3 proposals to do the work have been evaluated by a competitive process, as specified, to be established by the board, and the lowest responsible bidder is selected. The bill would require the contract to be awarded only to a contractor who has responded to the request for proposals and who is licensed as a contractor.

The bill would require a county which enters into a contract pursuant to these procedures more than once in any fiscal year to report, as specified, to the Legislature.

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Ch. 898 (AB 3358) Frazee. Courts: court records: management.

Existing law specifies the duties of the Judicial Council with regard to the administration of the courts.

This bill would require the Judicial Council to conduct a study regarding recordkeeping practices in the trial courts, as specified, and to report to the Legislature on or before July 1, 1992, regarding uniform statewide record management policies and practices together with methods for application of new record reproduction, storage, and transmission technology to meet the needs for efficient court administration, for protection and preservation of records, for public access, and for historical and other research.

Ch. 899 (AB 3424) Lancaster. Vehicles: size, weight, load limitations, and safety regulations: exceptions.

(1) Under existing law, emergency vehicles of a governmental entity are exempt from Vehicle Code restrictions relating to size, weight, and load when being used in connection with emergency fire calls. Existing law authorizes any other vehicle owned, operated, or rented by a state agency, county flood control district, or a flood control and water conservation district, when responding to an emergency, to be operated as required with verbal permission from the agency having jurisdiction of the highways used, if a written permit for that use is obtained within 3 days following the termination of the emergency.

This bill would, with respect to those latter vehicles, extend the authorization to vehicles owned, operated, or rented by a public agency, and would make the authorization applicable to vehicles returning from, as well as responding to, an emergency, if specified conditions are met.

(2) Existing law requires the Department of the California Highway Patrol to regulate the safe operation of certain vehicles.

This bill would provide that no additional inspection is required for vehicles which are owned and operated by a public agency and are used for responding to and returning from an emergency, as defined, during the duration of the emergency, if a specified inspection of the vehicle has been performed within the past 24 hours.

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

Ch. 900 (AB 3474) Peace. Peace officers.

Existing law provides that duly authorized federal employees who have completed designated training are peace officers when engaged in enforcing applicable state or local laws on property owned or possessed by the United States and property adjacent thereto and with the written consent of the sheriff or the chief of police in whose jurisdiction the property is situated.

Existing law also provides that federal criminal investigators and federal law enforcement officers are not peace officers but may exercise designated powers of arrest of a peace officer during the course and within the scope of their employment if they complete a designated course.

This bill would, in addition, provide that national park rangers may exercise designated powers of arrest of a peace officer when acting upon the request of state park rangers to assist in specified law enforcement activities if they have satisfactorily completed specified training, or its equivalent.

Ch. 901 (AB 3512) Clute. California National Guard: armories and Community Advisory Committee.

Under existing law, California National Guard armories are under the control and management of the Adjutant General, who is the commanding general of the state military forces.

This bill would authorize the Adjutant General to appoint a Community Advisory Committee, composed as specified, to advise on matters involving the role and function of California National Guard members and facilities in communities around the state, including the use of armories as homeless shelters, as specified.

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Ch. 902 (AB 3723) Elder. Property taxation: transfer of base-year value.

Existing constitutional law authorizes, and implementing statutory law provides for, the transfer by persons over 55 years of age of the base-year value of their home to a replacement home in the same county under specified conditions for property tax purposes. Existing statutory and constitutional law also provides that persons over 55 years of age may transfer the base-year value of their home located in one county to a replacement home located in another county where that county has adopted a specified ordinance.

Implementing statutory law prohibits the transfer of base-year value by any person who has previously been granted transfer of base-year value under the same authority, and provides that the spouse of a claimant shall be deemed to be a "claimant" for purposes of applying that prohibition with regard to future claims. Implementing statutory law also does not specifically define "person" for purposes of its provisions, and does not provide a specific mechanism for the rescission of a claim for transfer of base-year value.

This bill would modify existing provisions to prohibit transfer of base-year value by a claimant previously granted, as a claimant, the transfer of base-year value, and would modify provisions deeming the spouse of a claimant, as specified, to be a claimant for purposes of applying that prohibition to refer to a present, rather than future, claim.

This bill would specifically define the term "person" to mean to an individual, but not to include any firm, partnership, association, corporation, company, other legal entity or organization.

This bill would provide that claimants may, by timely and proper notice, and upon payment of a fee to the county assessor, rescind a claim for transfer of base-year value. By creating a new process with respect to the rescission of claims which is to be administered by counties, this bill would create a state-mandated local program.

This bill would also make clarifying changes, consistent with the above provisions, with respect to certain information required to be provided by claimants and assessors.

This bill would incorporate additional changes in Section 69.5 of the Revenue and Taxation Code, proposed by this bill and AB 2835 or AB 3843, or both, to become operative only if AB 2835 or AB 3843, or both, and this bill are chaptered and become effective on or before January 1, 1991, and this bill is chaptered last.

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

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

Ch. 903 (AB 4048) Elder. STRS: reemployment of retirants.

The existing State Teachers' Retirement Law permits STRS retirants to work for a school district or other employing agency and earn, in any one school year in specified school positions without reinstatement or termination or suspension of retirement allowances, up to $7,500, operative on July 1, 1985, and requires that the maximum amount earnable by retirants be annually adjusted on July 1, 1986, and each July 1 thereafter by the increase in the All Urban California Consumer Price Index, using December 1984 as the base.

This bill would, instead, permit those retirants to earn up to a maximum amount of $15,000 in any one school year, and would require the annual adjustments of the monetary limit to commence on July 1, 1991, using December 1989 as the base.

Existing statutes relating to the employment of classified employees prohibit school employment as part of the classified service of a person who is receiving a retirement allowance under any retirement system by reason of prior school employment, except as an aide under specified conditions. The Public Employees' Retirement Law authorizes postretirement employment of annuitants under specified conditions.

This bill would also except from that prohibition, postretirement employment permitted by that law.

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Ch. 904 (AB 4248) W. Brown. AIDS.

Existing law requires the State Department of Health Services to administer a number of programs which provide services to persons with acquired immune deficiency syndrome (AIDS) and AIDS Related Conditions (ARC).

This bill would require the department, in consultation with the State Department of Alcohol and Drug Programs, to review the existing programs administered by either department or both, which provide services to persons with AIDS, ARC, or at risk of becoming infected with the human immunodeficiency virus to identify whether there are unmet needs in targeting these programs to substance abusers, racial and ethnic minority populations, and women. The bill also would require the department, in reviewing the existing programs, to consider the provision of care by the existing programs outside of a general acute care hospital setting to substance abusers, racial and ethnic minority populations, and women, as specified. The bill, furthermore, would require the department to take into account the unmet needs of substance abusers, racial and ethnic minority populations, and women as identified pursuant to the above in its planning and development of programs which provide services to persons with AIDS and ARC.

The bill would require the department to report to the Legislature on or before April 1, 1991, as specified.

Ch. 905 (SB 2075) Royce. Workers' compensation: public safety officers.

Existing law provides that specified public safety officers who are members of the Public Employees' Retirement System or are subject to the County Employees Retirement Law of 1937, and who are disabled in the course of their employment, shall be entitled to a leave of absence of up to one year while so disabled without loss of salary in lieu of temporary disability benefits.

Existing law further provides, upon the adoption of a resolution of the board of supervisors so declaring, for the waiver of the requirement that a disabled employee be a member of the Public Employees' Retirement System or subject to the County Employees Retirement Law of 1937 in order to receive these benefits, for any firefighter employed by the County of San Luis Obispo, and for the sheriff or any officer or employee of the sheriff's office of the County of San Luis Obispo.

This bill would broaden the application of this waiver provision to permit the inclusion of firefighters employed by any fire district.

This new authorization would impose state-reimbursable, state-mandated local negotiating costs since its exercise would be subject to negotiation under existing law relating to local public employer-employee relations.

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

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 906 (SB 2120) Marks. Courts: Marin County and San Joaquin County.

Existing law provides that there are 12 judges of the superior court of the County of San Joaquin unless the board of supervisors adopts a resolution stating that a vacancy will occur in the office of juvenile court referee upon the appointment of a 13th judge, in which case existing law provides that there are 13 judges of the superior court of the County of San Joaquin.

This bill provides that there are 13 judges of the superior court in the County of San Joaquin.

Existing law prescribes the number, compensation, and classification of municipal court employees in Marin County.

This bill would revise the number, compensation, and classification of municipal court employees in Marin County.

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This bill would impose a state mandated-local program by requiring a higher level of service under an existing program.

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

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

Ch. 907 (SB 2190) Royce. Public construction: counties.

Existing law requires specified county construction work exceeding $4,000 to be done by contract.

The bill would exempt certain county construction and repair work necessary to maintain day-to-day landfill operations from that requirement.

Ch. 908 (SB 2272) Roberti. Public records: judicial proceedings.

Under existing law, known as the California Public Records Act, records of state and local agencies are, with specified exceptions, generally required to be open to public inspection.

Existing law permits any person to institute proceedings for injunctive or declarative relief in any court of competent jurisdiction to enforce his or her right to inspect or to receive a copy of any public record or class of public records covered by the act.

This bill would, in addition, permit any person to institute proceedings for a writ of mandate to enforce these rights.

Existing law requires the superior court of the county where public records are being withheld from the public to examine the records in camera and to order the public official to disclose the records or to issue an order supporting the public official's refusal to disclose.

Existing law further provides that, in an action filed on or after January 1, 1985, an order by the court pursuant to the above provisions is not a final judgment from which an appeal may not be taken but shall be immediately reviewable by an appellate court by petition for an extraordinary writ of review.

This bill would instead provide that in an action filed on or after January 1, 1991, the order of the court would be considered an extraordinary writ, rather than an extraordinary writ of review.

The bill would specify that, upon entry of an order, a party would be required, in order to obtain review of the order, to file a petition within 10 days after service upon him or her of a written notice of entry of the order, or within such further time not exceeding 20 days as the trial court may for good cause allow. If the notice is served by mail, the period within which to file the petition would be increased by 5 days.

The bill would prohibit a stay of an order or judgment from being granted unless the petitioning party demonstrates it will otherwise sustain irreparable damage and probable success on the merits.

Ch 909 (SB 2265) Dills. Redevelopment: powers.

Section 16 of Article XVI of the California Constitution empowers the Legislature to authorize a redevelopment plan to provide for a division of property tax revenues within a redevelopment project area, with a prescribed portion of those tax revenues to be allocated to the redevelopment agency to repay indebtedness incurred by the redevelopment agency to finance or refinance the redevelopment project This method of financing redevelopment is commonly known as "tax-increment financing" and is presently authorized by the Community Redevelopment Law.

Present law contains a special authorization, applicable only to the redevelopment agency of the City of Paramount, authorizing that redevelopment agency to use tax-increment revenues to finance specified public improvements, either inside or outside a redevelopment project area, that the agency determines will enhance the environment of a residential neighborhood containing low- and moderate-income housing and will be of benefit to the redevelopment project area from which the tax-increment revenues are derived. Under this special authorization, the redevelopment agency of

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the City of Paramount is required, as a condition to financing public improvements under these provisions, to establish a Low and Moderate Income Housing Fund and, with respect to any project subject to these special provisions, deposit in that fund not less than 20% of that portion of tax-increment revenues allocated and paid to the agency on and after January 1, 1983, which is not required to pay the principal of, or interest on, bonds or other indebtedness of the agency issued or incurred prior to that date. Existing law requires moneys deposited in the fund pursuant to these special provisions, to be utilized to rehabilitate housing for occupancy by persons and families of low or moderate income. This special authorization will be repealed January 1, 1991, unless extended by the Legislature, but any prior pledge of revenues pursuant thereto would not be affected by that repeal.

This bill would revise the uses to which the moneys required to be deposited in the fund may be expended.

This bill would delete that January 1, 1991, date of repeal, and would delete an obsolete provision

Ch. 910 (SB 2316) Lockyer. Judges: disqualification.

Existing law provides instances in which a judge shall not sit or act in an action or proceeding. Pursuant to existing law, whenever a judge determines himself or herself to be disqualified, the judge is required to notify the presiding judge of the court of his or her recusal and is prohibited from further participation in the proceeding, except as specified, unless his or her disqualification is waived by the parties and their attorneys.

This bill would provide that the disqualification of a judge may not be waived where the judge (1) has a personal bias or prejudice concerning a party or (2) has served as an attorney in the matter in controversy or has been a material witness concerning it.

Ch. 911 (SB 2328) Killea. Reporting of health information confidentiality of medical information: reporting patients with lapses of consciousness.

(1) Existing law prohibits a provider of health care from disclosing medical information regarding a patient of the provider without first obtaining an authorization, except under specified circumstances.

This bill would authorize a provider of health care to disclose medical information regarding a patient of the provider when the disclosure is otherwise specifically authorized by law

(2) Existing law requires a physician and surgeon to report to the local health officer the name, date of birth, and address of every person diagnosed with disorders involving lapses of consciousness. Existing law requires the local health officer to report this information to the State Department of Health Services for subsequent reporting to the Department of Motor Vehicles for the purpose of determining the eligibility of those persons to operate a motor vehicle. Existing law also requires the State Department of Health Services to define disorders characterized by lapses of consciousness for purposes of the above and to include Alzheimer's disease and related disorders in the definition.

This bill would instead require every physician and surgeon to report that information for those purposes, for every patient 14 years of age or older whom the physician and surgeon has diagnosed as having such a disorder. However, if the physician and surgeon reasonably and in good faith believes that the reporting of a patient would serve the public interest, the bill would authorize the physician and surgeon to report a patient's condition even if the report is not required under the department's definition of the above disorders.

The bill would no longer require a local health officer to report the above-described information to the State Department of Health Services for subsequent reporting to the Department of Motor Vehicles, but would instead require a local health officer to report the information directly to the Department of Motor Vehicles.

This bill would require the State Department of Health Services, in cooperation with the Department of Motor Vehicles, to base its definition of the above disorders on existing clinical standards for that definition and to include in the definition Alzheimer's disease and those related disorders which are severe enough to be likely to impair a person's ability to operate a motor vehicle The bill also would require the State Depart-

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ment of Health Services to consult with certain professional medical organizations in the development of the definition, as specified, and would require the definition to be completed on or before January 1, 1992. The bill would require the State Department of Health Services, in cooperation with the Department of Motor Vehicles, to list those circumstances which shall not require reporting by a physician and surgeon, as described above, because the patient is unable to ever operate a motor vehicle or is otherwise unlikely to represent a danger.

This bill would require the Department of Motor Vehicles, in consultation with certain professional medical organizations, to develop guidelines, as specified, on or before January 1, 1992.

This bill would preclude a physician and surgeon who makes the report from being civilly or criminally liable to a patient for making any report required or authorized pursuant to the above.

Ch. 912 (SB 2335) Doolittle. Automobile insurance: notice of cancellation or nonrenewal.

Existing law provides that a notice of cancellation or nonrenewal of a policy for automobile insurance shall be effective only if it is based upon one or more of certain specified reasons.

This bill would specify that the above provision is only applicable with respect to automobile policies insuring a single individual or individuals residing in the same household, as named insured, as specified.

The bill would amend a provision contained in Proposition 103. That proposition prohibits an amendment to its provisions by statute except to further its purposes, and requires a ⅔ vote

Ch. 913 (SB 2369) Marks. Property tax revenues: special districts. allocations: Marin County.

Existing law provides for the establishment of a Special District Augmentation Fund in each county for the purpose of augmenting the revenue of special districts from property tax revenues. The moneys in that fund are derived from a reduction, computed pursuant to a specified formula, in the amount of property revenue that would otherwise have been allocated to each special district, except multicounty districts, under those provisions of law governing the allocation of property tax revenues to jurisdictions generally.

This bill would impose a state-mandated local program by requiring the governing body of Marin County to allocate from its Special District Augmentation Fund to any special district, with certain exceptions, an amount which is not less than the amount of the reduction computed for that district under specified provisions of law, unless the allocation would cause that special district to exceed its appropriations limit. This bill would contain findings as to the necessity of a special statute.

This bill would incorporate additional changes in Section 98.6 of the Revenue and Taxation Code, proposed by SB 2255 and AB 4215, to be operative only if SB 2255 or AB 4215 or both and this bill are chaptered and become effective on or before January 1, 1991, and this bill is chaptered last.

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

This bill would provide that no reimbursement shall be made for a specified reason.

Ch. 914 (SB 2372) Hart. Ventura County Retirement System: optional supplemental benefit.

The existing County Employees Retirement Law of 1937 provides for various optional supplemental benefits.

This bill would authorize the Board of Supervisors of Ventura County to adopt, by resolution, an optional vested supplemental retirement benefit of $108.44 per month for current and future retired members and beneficiaries, as specified.

This new authorization would impose state-reimbursable, state-mandated local nego-

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tiating costs since its exercise would be subject to negotiation under existing law relating to local public employer-employee relations

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

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 915 (SB 2384) Deddeh. Mentally disordered persons: alcohol and drug problems: demonstration projects.

Under existing law, the State Department of Alcohol and Drug Programs is responsible for directing and coordinating the state's efforts to prevent or minimize the effect of alcohol misuse, narcotic addiction, and drug abuse.

Under existing law, the State Department of Mental Health directs and coordinates statewide efforts aimed at the treatment and prevention of mental disabilities.

This bill would require the State Department of Alcohol and Drug Programs and the State Department of Mental Health to enter into a 3-year agreement to establish a minimum of 5 demonstration projects, to commence on July 1, 1991, to address the unique treatment problems presented by persons who are mentally disordered and have alcohol and drug problems, and would require the departments to agree to the total number of programs to be established in addition to the 5 required programs, as specified. This bill would express legislative findings and declarations regarding services to persons who are multiply diagnosed.

This bill would prescribe the format for the budget and cost allocation plan for providing the services, and would require each county with a demonstration program to submit the budget and cost allocation plan, thereby creating a state-mandated local program It would exempt programs that comply with the approved cost allocation plan from certain accounting procedures and audit liability, as specified. It would require each demonstration program to submit a yearly progress report, as specified, and would outline criteria for a successful demonstration program.

The bill would require the State Department of Alcohol and Drug Programs and the State Department of Mental Health to submit an evaluation report to the Legislature prior to January 1, 1995.

This bill would declare the intent of the Legislature that the departments not limit their consideration of prospective applicants to only providers that propose to establish new programs, but shall also consider applications of providers that have been serving persons with multiple diagnoses prior to January 1, 1991. The bill would, also, declare the intent of the Legislature that in authorizing these demonstration programs, the State Department of Alcohol and Drug Programs and the State Department of Mental Health use only existing fiscal resources, and that, therefore, no new funds shall be appropriated to establish and operate the demonstration programs.

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

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 916 (SB 2388) Russell. Physicians and surgeons: continuing education requirements

Existing law requires the Division of Licensing of the Medical Board of California to

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adopt and administer standards of the continuing education of physicians and surgeons and requires the division to consider including specified courses in determining those requirements.

This bill would require the division, in determining its continuing education requirements, to consider including (1) a course in the early detection and treatment of substance abusing pregnant women to be taken by those licensees whose practices are of a nature that there is a likelihood of contact with these women, and (2) a course in the special care needs of drug addicted infants to be taken by those licensees whose practices are of a nature that there is a likelihood of contact with these infants.

Ch. 917 (SB 2389) Russell. Drug-exposed infants.

Existing law imposes a number of duties on the State Department of Alcohol and Drug Programs related to the prevention and treatment of drug and alcohol problems.

This bill would require the department, in consultation with the State Department of Health Services, to use existing materials to distribute a brochure on the care and treatment of infants under the age of 6 months who have been exposed to drugs and would specify certain information to be included in the brochure.

The bill would authorize the brochure to be distributed through certain agencies and persons.

The bill would contain findings by the Legislature relating to the need for the brochure, and would make a statement of legislative intent regarding the funding for the brochures.

Ch. 918 (SB 2393) Marks. Elections.

Existing law requires the county clerk, in the 1st week of September in each year, to examine court records and to cancel the voter registration of persons currently imprisoned or on parole for the conviction of a felony.

This bill would repeal that provision.

Existing law requires the county clerk to furnish to the chief county elections official the names of persons convicted of felonies whose convictions have become final, and requires the elections official, during the 1st week of September, to cancel the voter registration of persons currently imprisoned or on parole for the conviction of a felony.

This bill would impose a state-mandated local program by requiring the county clerk to provide to the chief county elections official, no less frequently than the 1st day of April and the 1st day of September of each year, the names, addresses, and dates of birth of persons who have been convicted of felonies since the county clerk's last report and who are currently imprisoned, and by requiring the county elections official, during the 1st week of April and the 1st week of September of each year, to cancel the voter registration of persons who are currently imprisoned.

Existing law requires a candidate for judicial office to file with the county clerk a declaration of intention to become a candidate for judicial office.

This bill would provide that no person may be a candidate nor have his or her name printed upon any ballot as a candidate for judicial office unless he or she has filed the required declaration of intention. It would make a corresponding change in a related provision of law

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

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

Ch. 919 (AB 1312) Filante. Water. state bonds.

Under existing law, various bond acts have been approved by the voters to provide funds for the planning, research, development, and construction of treatment works and

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water reclamation facilities and other water related purposes.

This bill would enact the Water Resources Bond Act of 1990 which, if adopted, would authorize, for purposes of financing a specified water resources program, the issuance, pursuant to the State General Obligation Bond Law, of bonds in the amount of $380,000,000.

The bill would retroactively recalculate the rate of interest on loans made pursuant to the California Safe Drinking Water Bond Law of 1976.

The bill would amend the Water Conservation Bond Law of 1987 to limit administrative fees to the actual costs of administering individual loans.

The bill would provide for submission of the bond act and above amendments to the voters at the November 6, 1990, general election in accordance with a specified procedure.

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

Ch. 920 (AB 145) Costa. California Park, Recreation, and Wildlife Enhancement Act of 1990.

Under existing law, there are state park system programs and local assistance grant programs established for park, beach, recreational, coastal, and historical resources preservation project purposes.

This bill would enact the California Park, Recreation, and Wildlife Enhancement Act of 1990 which, if adopted, would finance a specified program for the acquisition, development, rehabilitation, or restoration of real property for wildlife, park, beach, recreation, greenbelt, wildland fire protection, coastal, historic, museum, and zoo purposes, including the acquisition, development, restoration, enhancement, or management of real property within the Lake Tahoe region, through the issuance, pursuant to the State General Obligation Bond Law, of bonds in an amount of $437,000,000.

The bill would provide for submission of the bond act to the voters at the November 6, 1990, general election in accordance with specified law.

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

Ch. 921 (AB 2180) W. Brown. Bond act: county courthouse facilities.

Existing law provides for courthouse construction funding, as specified.

This bill would enact the County Courthouse Facility Capital Expenditure Bond Act of 1990 which, if adopted, would authorize, for purposes of financing a specified courthouse facility program, the issuance pursuant to the State General Obligation Bond Law of bonds in the amount of $200,000,000.

The bill would provide for submission of the bond act to the voters at the statewide election to be held November 6, 1990, notwithstanding provisions of existing law but in accordance with this act.

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

Ch. 922 (SB 78) Watson. Child care.

This bill would provide for submission to the voters of the Child Care Facilities Financing Act of 1990.

The bill would provide that, if enacted by the people, the state would be authorized to issue and sell general obligation bonds in the aggregate amount of $30,000,000. The proceeds of these bonds would be placed in the Child Care Facilities Bond Fund, which would be appropriated to the Controller, without regard to fiscal years, for allocation, at the request of the Child Care Facilities Authority, which would be composed of 9 members, as specified.

This bill would specify that a church-affiliated child care facility or other sectarian organization shall be eligible to receive loans to the extent permitted by both the United States and California Constitutions if specified conditions are satisfied.

This bill would provide for submission of the bond act to the voters at the next statewide election, and those provisions would take effect upon adoption by the voters.

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

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Ch. 923 (AB 485) Clute. Education: drug, alcohol, and tobacco abuse prevention.

Existing law prescribes the course of study in grades 1 to 12, inclusive, and includes a requirement that instruction be included upon the nature of alcohol, narcotics, restricted dangerous drugs, as defined, and other dangerous substances and their effects upon the human system. Existing law also provides that in grades 1 to 6, inclusive, instruction on drug education should be conducted in conjunction with courses given on health.

This bill would direct the State Department of Education to encourage school districts and county offices of education to avoid duplication of efforts with regard to education programs for the prevention of drug, alcohol, and tobacco abuse, as specified, and to collaborate with other state agencies that administer education programs for that purpose to streamline and simplify the process whereby local eduational agencies apply for state and federal drug, alcohol, and tobacco education funding. The bill would further require the department, in consultation with the Department of Justice, the Office of Criminal Justice Planning, and the State Department of Alcohol and Drug Programs, to develop, to the extent possible, a statewide system to provide data on the utilization of resources for programs for prevention of and early intervention for drug, alcohol, and tobacco abuse, in order to improve planning and program delivery among state and local agencies, including law enforcement, juvenile justice, county health, and county drug and alcohol agencies and programs, and communities.

This bill would also require the Office of Criminal Justice Planning, the State Department of Alcohol and Drug Programs, the State Department of Education, and other state agencies, to the extent possible, to develop joint policies and collaborate planning in the administration of drug, alcohol, and tobacco abuse prevention education programs

Ch. 924 (AB 1055) Roos. Registered nurses. supply.

Existing law authorizes the Office of Statewide Health Planning and Development to make grants to, and enter into contracts with, public and nonprofit private entities to improve programs that have the purpose of recruiting individuals to enter educational programs for training as registered nurses.

This bill would state legislative intent to encourage the provision of an adequate supply of registered nurses and to encourage articulation between programs to educate registered nurses in community colleges and the California State University.

This bill would require the California Postsecondary Education Commission to conduct a preliminary inquiry into the capacity of public and private institutions of higher education in California to educate registered nurses. This bill would request the commission, in consultation with certain representatives and associations, to conduct a review of the status of curriculum articulation between community colleges and California State University nursing programs.

This bill would require the results of the inquiry and the review, if conducted, to be submitted to the Legislature on or before February 15, 1991.

Ch. 925 (AB 2242) Costa. Real estate brokers license exemptions.

Existing law defines a real estate broker for purposes of the Real Estate Law as any person who, among other things, leases or rents or offers to lease or rent, or places for rent, or solicits listings of places for rent, or solicits tenants or collects rents for, real property Existing law exempts from that definition the manager of a hotel, motel, auto and trailer park, the resident manager of an apartment building, complex, or court, and the employees of that manager.

This bill would include in that exemption any person who is the employee of the property management firm retained to manage a residential apartment building or complex or court when performing specified functions under the supervision and control of a broker of record who is the employee of that property management firm or a salesperson licensed to the broker who meets requirements specified by the Real Estate Commissioner.

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Ch. 926 (AB 2773) Peace. Foreign corporations: qualification to do business.

Under existing law, a foreign corporation that does not hold a valid certificate to transact intrastate business is subject to a specified penalty.

This bill would specify that the amount of penalty assessed shall be determined by a court, as specified.

The existing Bank and Corporation Tax Law provides, with specified exceptions, that the corporate powers, rights, and privileges of a domestic taxpayer may be suspended, and the exercise of the corporate powers, rights, and privileges of a foreign taxpayer in this state may be forfeited if any of specified conditions occur, including the failure to file a tax return.

This bill would provide that those provisions apply to a foreign taxpayer only if the taxpayer is qualified to do business in this state. It would provide that a taxpayer required under specified provisions to qualify to do business in this state shall not be deemed to have qualified to do business, except as provided.

The existing Bank and Corporation Tax Law also provides for specified notification of the suspension or forfeiture, for the voidability of contracts for specified violations, for relief from suspension or forfeiture, and for a specified certificate of revivor.

This bill would provide that, except for specified relief from voidability, every contract made during the time that corporate powers, rights, and privileges are suspended or forfeited, as specified, is declared to be voidable at the instance of any party other than the taxpayer.

This bill would make other clarifying and supplemental changes to the provisions relating to suspension, forfeiture, and revivor.

This bill would specify the time for its implementation and operation, as specified. It would provide that it shall apply only to actions or proceedings instituted on or after its effective date and specify legislative intent in connection thereto.

This bill would require the Franchise Tax Board to study the impact and effectiveness of this bill, and prepare a report of that study, along with recommendations, to be submitted to the Legislature on or before December 31, 1993.

Ch. 927 (AB 3279) Costa. Water: drainage projects: grants and loans.

Under the Water Conservation and Water Quality Bond Law of 1986, loans may be made, upon approval by the Legislature, to local agencies to aid in the construction of drainage water management units for the treatment, storage, or disposal of agricultural drainage water.

This bill would authorize a loan of $600,000 to the Panoche Drainage District for a drainage water conveyance project, a loan of $4,008,000 to the City of Fresno for a DBCP treatment facility project, and a loan of $19,008,000 to the Orange County Water District for a groundwater treatment facility project, from specified funds appropriated in the Budget Act of 1990 from the Agricultural Drainage Water Account in the 1986 Water Conservation and Water Quality Bond Fund.

The bill would authorize the Orange County Water District to enter into agreements with the United States, the state, or any department, agency, or official of the United States or state for the grant or loan of funds to the district, as specified.

Ch. 928 (AB 3412) Clute. Employment services: veterans

Existing law authorizes the Employment Development Department to perform various functions and duties with respect to job creation activities.

This bill would require the department to research the needs of veterans throughout the state and develop a profile of veterans' employment and training needs, to seek federal funding for these purposes, and to develop a statewide plan for the equitable distribution of employment funds for veterans' employment services.

Ch. 929 (AB 3449) Statham. Vehicles. street rod vehicles: special identification plates.

(1) Under existing law, a vehicle of historic value meeting specified requirements may, upon application, be issued special identification plates by the Department of Motor Vehicles under a separate "horseless carriage" or "historical vehicle" series for

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a fee of $25.

This bill would permit the issuance of a special "street rod" series of identification plates to street rod vehicles, as defined, for a fee of $35. The bill would specify other related fees for the replacement of plates and stickers and for the transfer of plates to another qualifying vehicle.

The department would not be required to implement these provisions unless 500 or more applications are received by January 1, 1992.

(2) Existing law permits a collector of specified vehicles to maintain one or more of these vehicles, including parts cars, as defined, whether currently licensed or unlicensed, or operable or inoperable, in outdoor storage on private property if the vehicles are not a health hazard and are screened from public view.

This bill would make those provisions applicable to a street rod vehicle.

Ch. 930 (AB 3494) Campbell. Pupil instruction programs

Existing law authorizes the Superintendent of Public Instruction to make apportionments to school districts to fund the establishment of model programs for intensive instruction to pupils in grades 7, 8, or 9 in reading and mathematics.

This bill would revise that funding program to instead fund, as specified, the development of model programs for intensive instruction to pupils in grades 6, 7, or 8 in English or language arts, mathematics, history or social science, foreign language, physical education, visual and performing arts, or science.

Existing law provides that demonstration programs in reading and mathematics shall become inoperative on June 30, 1990.

Existing law establishes criteria for pupils to receive credit in work experience education programs and specifically requires that pupils receive at a minimum the equivalent of one instructional period per week of classroom instruction or counseling at least twice each semester by a certificated employee while enrolled in the program

This bill, instead, would require that pupils receive the instruction or counseling intermittently throughout the semester

This bill would change the date on which reading and mathematics programs, as modified by this bill, would become inoperative to June 30, 1995, and would apply that date of inoperation as well to other programs authorized by the bill

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

Ch. 931 (AB 3521) Bentley. Child abuse reporting.

(1) Existing law requires certain categories of persons, including, but not limited to, child care custodians, as defined, to report known or suspected instances of child abuse, as specified. A failure to so report is a misdemeanor.

This bill would include certain administrators and employees of public and private youth centers, youth recreation programs, and youth organizations within the class of child care custodians who are required to make reports concerning child abuse, thereby imposing a state-mandated local program by increasing the duties imposed upon certain local public employees. Moreover, as these requirements would revise the definition of a crime, as well as increase the number of the reports of child abuse required to be processed by child protective agencies, it would further create a state-mandated local program.

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

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

However, the bill also would provide that if the Commission on State Mandates determines that this bill contains other costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

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Ch. 932 (AB 3555) Sher. Air pollution.

(1) Existing law requires the State Air Resources Board on or before September 30, 1989, to identify and classify each air basin according to whether it has or has not attained state ambient air quality standards.

This bill would delete that date and make conforming changes in those provisions.

(2) Existing law requires the state board to establish, by regulation, maximum standards for the volatility of gasoline sold in California at 9 pounds per square inch Reid vapor pressure, as determined by specified testing, except that a blend of gasoline consisting of at least 10% ethyl alcohol, as defined, is exempt, until October 1, 1993, from meeting the volatility standard if the gasoline used in the blend meets the volatility standard for gasoline.

This bill would require the state board to establish that maximum level at or below 9 pounds per square inch.

(3) Existing law authorizes the state board to adopt motor vehicle emission standards, in-use performance standards, and motor vehicle fuel specifications for the control of air contaminants and sources of air pollution and to adopt standards and regulations for various categories of vehicles consistent with that authorization.

This bill would include off-road and nonvehicle engine categories among those vehicle categories for which the state board is authorized to adopt standards and regulations. The bill would require the state board, prior to adopting standards and regulations, to consider the effect of the standards and regulations on the economy of the state. The bill would make a statement that these changes are declaratory of existing law.

(4) Existing law requires the state board to adopt standards and regulations which will result in the most cost-effective combination of control measures on all classes of motor vehicles and motor vehicle fuel.

This bill would require the state board, prior to adopting standards and regulations, to consider the effect of the standards and regulations on the economy of the state. The bill would make a statement that this change is declaratory of existing law.

Ch. 933 (AB 3556) Cortese. Redevelopment: seismic repairs.

Under the existing Community Redevelopment Law, a redevelopment agency may be created to redevelop a blighted project area.

This bill would authorize a redevelopment agency to take those actions it determines necessary and consistent with state, federal, and local law, to make structural repairs to specified buildings, including historical buildings, to meet various specified building code standards relating to seismic safety.

Ch. 934 (AB 3570) Harris. Public land trusts: liability for land failure.

Under existing law, public land trusts are given the same immunity as public entities from liability for injuries resulting from a natural condition of unimproved property, certain access roads and ways, and hazardous recreational activities. Under existing law, public entities, with certain exceptions, are not liable for property damage resulting from land failure caused by a natural condition of unimproved public property, and are not liable for emotional distress caused thereby unless accompanied by substantial physical injury.

This bill would give public land trusts the same immunity from liability as a public entity with respect to land failure.

Ch. 935 (AB 3593) Speier. Protective orders.

(1) Under existing law, a court may issue specified ex parte protective orders during the pendency of proceedings for annulment or dissolution of marriage or brought under the Uniform Parentage Act, and may issue specified orders under the Domestic Violence Prevention Act.

This bill would, with respect to the above provisions, prohibit certain mutual restraining orders except as specified. The bill would require certain temporary restraining orders issued under these provisions to set forth a prescribed warning to the recipient. The bill would additionally authorize the court to order restitution for prescribed losses in actions for harassment or under the Uniform Parentage Act but would specify that

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restitution shall not include damages for pain and suffering.

(2) Under existing law, protective restraining orders issued during the pendency of proceedings under the Uniform Parentage Act, with certain exceptions, cannot exceed one year's duration.

This bill would instead provide that the orders issued during the pendency of the litigation cannot exceed 3 years' duration.

(3) Existing law places certain mutual restraining orders in effect, without specific application of the parties, upon service of a petition and summons for dissolution or annulment of a marriage, for legal separation, or pursuant to the Uniform Parentage Act, or upon waiver and acceptance of service by the respondent. Existing law makes these restraining orders confidential and prohibits disclosure, upon penalty of contempt, except for the purpose of enforcement.

This bill deletes the existing law making these temporary restraining orders confidential and providing contempt penalties for unauthorized disclosure.

(4) Under existing law, the summons in any action commenced on or after July 1, 1990, for dissolution or annulment of marriage or legal separation, and the summons in any action brought under the Uniform Parentage Act, contain specified restraining orders, including an order enjoining the parties from harassing, molesting, attacking, striking, threatening, sexually assaulting, battering, or disturbing the peace of the other party.

This bill would delete that order from the summons in these actions.

(5) Under existing law, where a court in criminal proceedings determines upon good cause that intimidation or dissuasion of a victim or witness has occurred or is reasonably likely to occur, the court may issue prescribed orders.

This bill would expressly authorize the court to issue these orders on its own motion in cases involving crimes of domestic violence. The bill would impose a state-mandated local program by requiring court records to be marked to clearly alert the court to this issue. The bill would require the Judicial Council to adopt forms by July 1, 1991, for orders under the above provisions.

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

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 936 (AB 3776) Assembly Governmental Efficiency and Consumer Protection Committee. Weights and measures: weighmasters.

Existing law exempts various enumerated persons who weigh, measure, or count, from the laws relating to weighmasters.

This bill would include in this exemption any log scaler who performs log scaling functions, except weighing, as defined in a specified supplement of the United States Forest Service Handbook.

Ch. 937 (AB 4077) Johnston. Dairy products: restaurant: butter.

Existing law prohibits serving colored margarine, colored dairy spread, or colored spread to any patron in any restaurant or any other place where food is served to the public for consumption on the premises of sale unless the words "oleomargarine served here," "margarine served here," "dairy spread served here," or "spread served here" are printed on individual menus or a wall menu or next to a wall menu, as prescribed.

This bill would repeal those provisions.

Ch. 938 (AB 4228) Quackenbush. Vehicles: permits for vehicles exceeding size, weight, or load limits.

Under existing law, the Department of Transportation or a local authority, with re-

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spect to highways under their respective jurisdictions, may issue permits for the operation of vehicles which exceed the size, weight, or load requirements of the Vehicle Code, and may, among other things, require an undertaking or other security for indemnity for any damage to the highway resulting from the operation of the permitted vehicle.

This bill would delete that authorization to require an undertaking or other security and would specifically prohibit the department or local authority from requiring the posting of a bond as a condition of the permit, except as specified The bill would specify the proof of financial responsibility which may be required for issuance of a permit.

Ch 939 (AB 4315) Leslie. Workers' compensation: drug and alcohol testing.

Existing law provides that liability for workers' compensation shall exist against an employer for any injury sustained by his or her employees arising out of and in the course of employment where certain conditions are met. One of these conditions is that the injury not be caused by the intoxication of the injured employee.

This bill would specify that the intoxication of the injured employee be caused by alcohol or the unlawful use of a controlled substance, as defined.

Ch. 940 (SB 1871) Hart. Long-term health care facilities.

(1) Existing law prohibits any person from acquiring an ownership of a 5% or greater beneficial interest in a corporation or partnership licensed to operate a skilled nursing facility or intermediate care facility without the prior written approval of the State Department of Health Services. Violation of this provision is a misdemeanor.

This bill would also prohibit any person from acquiring an ownership of a 5% or greater beneficial interest in a management company under contract with a licensee of a skilled nursing facility or intermediate care facility without the prior written approval of the state department This bill would change the definition of a crime, thereby creating a state-mandated local program.

(2) Existing law authorizes the department to deny approval of a license application for operation of a skilled nursing facility or intermediate care facility if an officer, director, general partner, or owner of a 5% or greater beneficial interest in the facility named in the application was an officer, director, general partner, or owner of a 5% or greater beneficial interest in a licensee of a skilled nursing facility, intermediate care facility, or community care facility at a time when violations of law were committed in the facility, resulting in suspension or revocation of the license of the facility.

This bill would additionally authorize the department to deny approval of that license, as described above, in the case of an officer, director, general partner, or owner of a 5% or greater beneficial interest in a residential care facility for the elderly. It would also authorize such denial if the officer, director, general partner, or owner of a 5% or greater interest in the skilled nursing facility or intermediate care facility was an owner of a 5% or greater beneficial interest in a management company under contract with a licensee of a skilled nursing facility, intermediate care facility, community care facility, or residential care facility for the elderly, in which violations of law were committed that resulted in a suspension or revocation. This bill would add the appointment of a court-ordered receiver for a long-term health care facility as a condition under which a license application could be denied, as specified.

(3) Existing law authorizes the department to petition the superior court for the county in which a long-term health care facility is located for an order appointing a receiver to temporarily operate the facility, under certain circumstances.

This bill would require the department to investigate within 30 days of receiving a complaint alleging those circumstances. It would require the department to document the result of the investigation in the facility file. The bill would require the department to hold an informational meeting for residents, family members, and interested parties if the department proceeds with the petition.

(3.5) Existing law requires the receiver to be a licensed nursing home administrator or other responsible person or entity, as determined by the court, from a list of qualified receivers established by the department in a prescribed manner

This bill would provide that these provisions not be construed to prohibit the department from including on its list of qualified receivers a consortium of community agen-

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cies that includes one or more licensed nursing home administrators, as long as the consortium is established as a legal entity. It would permit the court to approve receivership arrangements when more than one individual shares receivership duties, as specified.

(4) Existing law establishes classes of citations issued by the State Department of Health Services in its regulation of long-term health care facilities when it determines there are violations of law relating to the operation of those facilities. The classes of citations reflect the seriousness of the violations and are punishable by specified civil penalties.

Under provisions of law which will take effect on January 1, 1991, moneys collected as civil penalties for violations of law relating to long-term health care facilities will be deposited in the Health Facilities Citation Penalties Account, established in the Special Deposit Fund, to be used, upon appropriation by the Legislature, for specified purposes relating to the protection of health or property of residents of long-term health care facilities.

This bill would revise these provisions to provide that using the moneys in the account for purposes relating to the relocation expenses incurred by the department be limited to instances where the facility has closed. For purposes relating to maintenance of facility operation pending correction of deficiencies or closure, use of moneys in the account would be limited to instances where revenues of the facility are insufficient. For purposes of reimbursing residents for personal funds lost, the revenues of the facility would be required to be used first if the loss is a result of actions of the facility, as specified. It would additionally require moneys in the account to be used for costs associated with informational meetings, as described in (3).

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

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

Ch. 941 (SB 1912) Bergeson. State Architect: campus lighting standards.

Existing law does not require the office of the State Architect to adopt regulations regarding college campus lighting.

This bill would require the office of the State Architect, in consultation with the Department of General Services, and the California State Police Division to jointly adopt regulations to establish a standard of lighting for parking lots at the University of California, California State University, and California Community Colleges. The bill would also require the office of the State Architect to adopt regulations to establish a standard lighting level for primary campus walkways used at night at those institutions. The bill would require those standards to be adopted on or before June 30, 1991. Requiring community colleges to meet the lighting standards, once approved, and local enforcement of those standards, would impose a state-mandated local program.

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

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

The bill would provide that its provisions do not apply to the University of California unless the Regents of the University of California, by resolution, makes them applicable.

Ch. 942 (SB 2073) Royce. Crimes: recording piracy.

Existing law provides that any person who fails to disclose the origin of a recording when, for commercial advantage or financial gain, he or she knowingly advertises or offers for sale or resale, or sells or resells, or causes the sale or resale, or rents, or possesses

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for these purposes, any recording, as defined, the outside cover box or jacket of which does not clearly and conspicuously disclose the actual and true name and address of the manufacturer thereof, and the name of the author, artist, performer, producer, programmer, or group, is guilty of a misdemeanor or a felony punishable, as specified, if the offense involves the advertising, offering for sale or resale, causing the sale or resale, selling, rental, or possession of at least 1,000 articles.

This bill would extend these provisions to include any audiovisual work and also make it a misdemeanor or felony, as specified, under this provision for a person to knowingly cause the rental or manufacture of any recording or audiovisual work, as specified, thereby constituting a state-mandated local program by changing the definition of a crime.

This bill would more specifically provide that the number of articles necessary for this crime is 1,000 articles of an audio recording rather than 1,000 articles, and the bill would provide in the alternative that 100 articles of an audiovisual work is necessary for this crime.

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

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

Ch 943 (SB 2170) Doolittle. Prejudgment attachment: secured obligations.

Existing law, with certain exceptions, precludes the use of a prejudgment attachment in a civil action to recover on an obligation that is secured by real or personal property.

This bill would generally permit the use of prejudgment attachment in civil actions to recover on obligations secured by personal property, or secured by fixtures pursuant to the Commercial Code. The bill would exclude from the amount which may be secured by attachment the value of any security interest held by the plaintiff in the defendant's property to secure the defendant's indebtedness to the plaintiff, together with any decrease in the value of the security by reason of acts of the plaintiff or person to whom the security interest was transferred.

The changes in the law made by the bill would be repealed on January 1, 1996, without further action of the Legislature. The bill would require the California Law Revision Commission to study the changes made by the bill during 1991, 1992, and 1993 and to report to the Legislature the results of that study and recommendations for continuance or modification of those changes, by December 31, 1994.

Ch. 944 (SB 2334) Killea. Water: reverse osmosis water treatment devices.

Under existing law, reverse osmosis water treatment devices are not required to be equipped with an automatic waste shutoff device

This bill would require any reverse osmosis water treatment device sold, installed, or rented for residential use after January 1, 1991, to be so equipped or otherwise achieve equal or greater water savings than would occur with an automatic shutoff device. The bill would, effective January 1, 1993, require any reverse osmosis water treatment device sold, installed, rented, or under service contract prior to January 1, 1991, for residential use to be retrofit with an automatic waste shutoff device or otherwise achieve equal or greater water savings than would occur with an automatic shutoff device.

Ch. 945 (SB 2425) Mello. Long-term health care facilities.

Under existing law, the State Department of Health Services licenses and regulates long-term health care facilities and issues citations to long-term health care facilities for their failure to comply with certain statutory provisions, rules, or regulations relating to the operation or maintenance of the facility.

This bill would require the department to define, by regulation, on or before June 30, 1992, the term "sudden or marked adverse, or both, change in the patient's condition" as it applies to the requirement of a long-term health care facility, imposed by regulation adopted by the department, to notify a patient's physician and surgeon when there has been a sudden or marked adverse, or both, change in the patient's condition. The bill

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would require the department to consult with specified representatives prior to adopting these regulations. This bill also would contain findings by the Legislature and a statement of legislative intent relating to the need for this definition.

Ch. 946 (SB 2459) Beverly. County advertising and promotion.

Existing law authorizes a county board of supervisors, by ordinance, to provide for and regulate the sale of advertising space on county real or personal property for revenue purposes.

This bill would authorize the board of supervisors to, by ordinance, provide for specified commercial uses of county real and personal property, including the private commercial use of the county name, logo, or other intellectual property, or the depiction of county property and the donation of facilities or informational brochures, messages, or broadcasts which publicize acknowledgment of a sponsor's financial assistance. The bill would require the board of supervisors to develop a viable marketing plan for those commercial uses. The bill would provide that it is not intended to vest in any person the right to enter into a marketing agreement with a county.

The bill would require that any agreement which a county seeks to enter into pursuant to its provisions be presented at a duly noticed public hearing, as specified

Ch. 947 (SB 2496) Vuich. Depository institutions: theft and misapplication of funds.

(1) Under existing law, an officer, director, trustee, employee, or agent of a bank who abstracts or willfully misapplies any money, funds, or property thereof is guilty of a felony

This bill would require the sentencing court to order restitution by persons convicted of these offenses. The bill would impose a state-mandated local program by making similar criminal provisions applicable with respect to credit unions and industrial loan companies

(2) Under existing state and federal law, various types of financial institutions are subject to regulation

This bill would generally prohibit any person convicted of specified felonies from being a director, officer, or manager of a financial institution with federally or state insured deposits. However, the bill would not apply, with respect to pre-1991 convictions of directors, officers, or managers whose office or employment commenced before January 1, 1991. The bill would require any person seeking employment or control of such a financial institution on and after January 1, 1991, to permit the financial institution, its regulatory agency, or both to have access to specified criminal records of the person

(3) Under existing law, a communication is privileged if made without malice to a person interested therein (a) by a person who is also interested, (b) by a person who stands in relation to the person receiving the communication as to afford reasonable grounds for supposing the motive of the communication to be innocent, or (c) upon request of the party receiving the communication

This bill would exempt financial institutions from civil liability for providing written employment references to another financial institution advising of an employment applicant's involvement in defalcation that has been reported to federal authorities pursuant to federal banking guidelines, unless the information supplied is known by the financial institution making the reference to be false. As a condition of this immunity, the bill would require the reporting financial institution to provide a copy of the employment reference to the employment applicant.

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

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

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Ch. 948 (SB 2590) Roberti. Insurance.

Existing law authorizes the Insurance Commissioner to require an insurer to provide certain supplemental accounting, financial, and actuarial information, as specified. The commissioner may request an insurer to select and retain an independent certified public accountant or independent actuary, as specified

This bill would additionally authorize the commissioner to select or retain an independent certified public accountant, a certified public accountant corporation, an actuary corporation, or an independent actuary, if the insurer does not make that selection within a reasonable time as requested by the commissioner. It would also make certain technical changes.

Under existing law, when a motor vehicle insurer knows, or reasonably believes it knows, the identity of a person whom it has reason to believe committed a criminal or fraudulent act relating to a motor vehicle theft or motor vehicle insurance claim or has knowledge of such a criminal or fraudulent act which is reasonably believed not to have been reported to an authorized governmental agency, the insurer, or an agent authorized by an insurer to act on its behalf, is required to notify the local police department, sheriff's office, the Department of the California Highway Patrol, or district attorney's office.

This bill would require every motor vehicle insurer to additionally report private passenger automobiles involved in theft and salvage total losses to the National Automobile Theft Bureau or a similar central organization engaged in automobile loss prevention as approved by the commissioner, as specified. It would also exempt insurers, the National Automobile Theft Bureau, and similar organizations from civil liability, as specified.

Ch 949 (SB 2616) Robbins. Health coverage contract notification.

Existing law does not specifically require group disability insurers and certain related health entities, and group health care service plans, as defined, to deliver a notice indicating a change in premium rate or in coverage

This bill would, with respect to group health care service plans, provide that no change in premium rate or coverage is effective unless the plan has delivered a notice at least 30 days prior to the renewal effective date. The bill would, with respect to disability insurers and nonprofit hospital service plans, prohibit the termination of a group master policy or contract, an increase in premiums or charges therefor, a reduction or elimination of benefits, or a restriction on eligibility for coverage without providing a notice of that action, within specified time limits.

Ch. 950 (SB 2681) Boatwright. False reports: peace officers.

Existing law provides that a peace officer who knowingly and intentionally makes any false statements in specified reports filed with his or her employing agency is punishable by imprisonment in a county jail for not more than one year. This provision does not apply to the contents of any statement which the peace officer attributes in the report to any other person.

This bill would instead provide that a peace officer who makes these false statements regarding any material matter is guilty of filing a false report, punishable by imprisonment in the county jail for up to one year, or in the state prison for 1, 2, or 3 years.

Ch. 951 (SB 2708) Kopp. Vessels.

Existing law prescribes fees of $9 for registration of an undocumented vessel, $8 for a change of ownership, and $5 for a duplicate certificate or stickers.

This bill would increase the registration fee for the owner of a vessel registered in another state to $37, and would increase the change of ownership and duplicate certificate and sticker fees to $15. The bill would make an appropriation, since the increased fees would be deposited in the Harbors and Watercraft Revolving Fund, a portion of which is continuously appropriated for the administration of the vessel registration provisions. The bill would also exempt vessels owned by the Department of Boating and Waterways from any fees. These provisions would become operative on July 1, 1991.

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Ch. 952 (SB 2730) Keene. Controlled substances: "ice."

Existing law provides that various offenses involving methamphetamine are felonies, punishable as specified.

Existing law also provides that when a judgment of imprisonment is imposed and the statute specifies 3 possible terms, the court is required to impose the middle term unless there are circumstances in mitigation or aggravation of the crime which permit the imposition of the lower or upper term.

This bill would provide that upon conviction of specified felony offenses involving methamphetamine, the fact that the controlled substance is the crystalline form of methamphetamine shall be considered a circumstance in aggravation of the crime in imposing sentence.

Ch. 953 (AB 479) Chacon. Transit: San Diego County.

Under the Mills-Deddeh Transit Development Act, the San Diego Metropolitan Transit Development Board is created with specified duties and powers. Existing law assigns to the board responsibility for transportation planning and for the construction and operation of public transit systems and related transportation facilities and services in portions of San Diego County.

This bill would authorize the board to regulate vehicle safety and driver qualifications for passenger jitney service, as defined, operating between cities and between a city and unincorporated portions of the county.

Ch. 954 (AB 2545) Katz. Registration fees California Highway Patrol.

Existing law, until January 1, 1991, requires the payment of an additional $1 registration fee for motor vehicles, except those exempted under law, and requires the deposit of those fees in the Motor Vehicle Account in the State Transportation Fund until June 1, 1991, to be available upon appropriation, to maintain the uniformed field strength of the California Highway Patrol Under existing law, an additional $1 fee is imposed for the identification of off-highway motor vehicles. Until January 1, 1993, the identification fee is available for the same purpose as the additional $1 registration fee, and on and after January 1, 1993, the identification fee would no longer be specifically available for that purpose

This bill would extend the requirement for the payment of the additional $1 registration fee for motor vehicles until January 1, 1993, and, thus, would impose a tax for purposes of Article XIII A of the California Constitution. The bill would require that these registration fees be deposited in the Motor Vehicle Account until June 1, 1993, for the purpose described above. The bill would terminate the additional $1 fee for the identification of off-highway motor vehicles on January 1, 1993.

Ch. 955 (AB 3373) Leslie. Criminal records: license applicants: community care facilities. foster family homes

Under existing law, the State Department of Social Services administers the licensing of community care facilities, as defined, including foster family homes. Prior to issuing a license to any person to operate or manage, as specified, any of these facilities, the department is required to secure a criminal record from an appropriate law enforcement agency to determine whether the applicant has ever been convicted of a crime, other than a minor traffic violation. If the criminal record shows that an applicant for licensure to operate or manage any of these facilities has been convicted of a crime, other than a minor traffic violation, the application must be denied, unless the Director of Social Services grants an exemption, as specified.

Under existing law, a certified family home is a family residence certified by a licensed foster family agency, as defined, and issued a certificate of approval by that agency as meeting licensing standards, and is used only by that foster family agency for placement of children for temporary or permanent care Under existing law, a licensed foster family agency is required to certify to the department that a certified family home meets the department's licensing standards, and a certified family home may not be concurrently licensed as a foster family home or as any other licensed residential facility, as defined.

This bill would permit an applicant for a license to operate a foster family home or

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a certified family home to authorize the department to secure the full criminal record, as specified, of the applicant. This bill would express legislative intent regarding the use of this information in expediting the procedure for prospective adoptive parents under the Civil Code. It would permit the full criminal record obtained for licensing purposes to be used by the department or by a licensed adoption agency as a clearance required for adoption purposes.

Ch. 956 (AB 3683) Hauser. Insurance: discrimination

Existing law prohibits motor vehicle liability insurers from failing or refusing to accept an application for that insurance, from refusing to issue that insurance to an applicant, or from canceling that insurance solely for the reason that the applicant is employed in a specific occupation. "Specific occupation" for these purposes is defined to exclude active duty service in the Armed Forces of the United States.

This bill would prohibit motor vehicle liability insurers from taking the above actions solely for the reason that the applicant is on active duty service in the Armed Forces of the United States.

Existing law provides that nothing in specified portions of the Insurance Code precludes an insurer from limiting the issuance of insurance to persons who engage in or have formerly engaged in governmental or military service, their spouses, dependents, and former dependents.

This bill would also provide that nothing in any other provision of the Insurance Code prohibits an insurer from so limiting the issuance of insurance, would provide that the affected insurance is private passenger automobile insurance, would extend the provision to renewal as well as issuance of that insurance, would extend the provision to former spouses, would permit limitation to segments of categories of service, and would make related changes.

Ch. 957 (AB 1535) Farr. Property taxes: incorporations.

Existing law requires a local agency formation commission, in considering any proposal for the incorporation of a city to hold a public hearing on any proposal filed within 30 days of any other proposal in which the proposals contain any portion of the same affected territory, and prohibits the commission from approving any proposal until a public hearing has been held on each proposal.

This bill would instead prohibit the commission from approving a proposal for incorporation until it has considered any other change of organization which conflicts with the incorporation proposal and which was submitted to the commission within 30 days of submission of the incorporation proposal By requiring the commission to consider any conflicting change of organization this bill would impose a state-mandated local program.

Existing law requires the executive officer of the commission at the request of an interested party to request the Controller to review the comprehensive fiscal analysis prepared for any proposal which includes an incorporation, and requires the Controller to issue a report, as specified, within 45 days of receiving the analysis.

This bill would require the request for the Controller's report to specify which elements of the analysis the Controller is requested to review and the reasons therefor. The bill would also specify that any times within which the executive officer or the commission is required to act are tolled pending completion of the Controller's report.

Existing law requires the commission to determine the provisional appropriations limit of a proposed city for purposes of Article XIII B of the Constitution when a proposal includes incorporation based on estimates of revenues from the proceeds of taxes for the first full year of operation and estimates of the changes in the cost of living and population in the next full year of operation. Similarly, the incorporated city is required to determine the proposed permanent appropriations limit of the city to be submitted for voter approval based on actual revenues received from taxes in the first full year of operation and changes in the cost of living and population in the next full year of operation.

This bill would replace the phrase "full year of operation" in these provisions with the phrase "full fiscal year of operation "

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Existing law requires the election setting the permanent appropriations limit to be held at the first municipal election at least one year after the incorporation.

This bill would require the election at the first municipal election held following the first full fiscal year of operation.

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

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 958 (AB 2202) Eastin Land use.

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

This bill would make legislative findings and declarations, and would provide that notwithstanding specified provisions of law, the director shall grant the City of Fremont an extension of time to January 1, 1991, to prepare and adopt a general plan, with the exception of the housing element.

The bill would declare that a general law cannot be made applicable in these circumstances.

The bill would declare that it is an urgency statute, but would make its provisions operative on September 18, 1990.

Ch 959 (AB 2586) Hughes. Special education: behavioral interventions.

Existing law, which will become inoperative on June 30, 1993, requires every individual with exceptional needs, who is eligible to receive educational instruction, related services, or both, to receive that educational instruction at no cost to his or her parents or, as appropriate, to him or her.

This bill would require the Superintendent of Public Instruction, on or before June 30, 1992, to conduct a statewide study of the use of behavioral interventions with individuals with exceptional needs who receive special education and related services. This bill would also require the Superintendent of Public Instruction to develop and the State Board of Education to adopt regulations, on or before September 1, 1992, governing the use of appropriate behavioral interventions with individuals with exceptional needs receiving special education and related services. To the extent that the regulations adopted by the State Board of Education impose additional requirements on school districts or county offices of education this bill would impose a state-mandated local program.

This bill would require the Superintendent to explore, with representatives of institutions of higher education and the Commission on Teacher Credentialing, the current training requirements for teachers of special education to ensure that sufficient training is available in appropriate behavioral interventions for people entering the field of education.

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

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

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Ch. 960 (AB 2718) Felando. Crimes: identification cards.

(1) Under existing law, any person who alters, falsifies, forges, duplicates, or in any manner reproduces or counterfeits any driver's license or identification card issued by a governmental agency with the intent that the license or identification card be used to facilitate the commission of any forgery, is punishable by imprisonment in the state prison, or by imprisonment in a county jail for not more than one year.

(2) In addition, under existing law, every person who manufactures, sells, offers for sale, or transfers any document, not amounting to counterfeit, purporting to be a government-issued identification card or driver's license, which because of its wording or appearance could reasonably deceive a person into believing it is a government-issued document is guilty of a misdemeanor which is punishable by imprisonment in a county jail not exceeding 6 months, or by a fine not exceeding $1,000, or both.

This bill, instead, would provide that anyone who violates this provision would be guilty of a misdemeanor punishable by imprisonment in a county jail not exceeding one year, or by a fine of not more than $1,000, or by both the fine and imprisonment. The bill would make a subsequent violation of this provision a felony punishable by imprisonment in a county jail not exceeding one year, or by a fine not exceeding $5,000, or by both the fine and imprisonment

To the extent that this bill would increase the term in county jail, it would impose a state-mandated local program.

In addition, the bill would provide that any person who possesses one of these documents knowing that it is not a government-issued document is guilty of a misdemeanor punishable by a fine of not less than $1,000 nor more than $2,500. Because this bill would create a new crime, it would constitute a state-mandated local program.

The bill would require the court to impose the misdemeanor fine, except in unusual cases where the interest of justice would be served. In addition, the bill would authorize the court to order a person to perform community service to work off the fine. However, if community service work is not available, the misdemeanor shall be punishable by a fine of up to $1,000, based on the person's ability to pay.

The bill also would specify that if one of these offenses is committed by a person when he or she is under 21 years of age, but is 13 years of age or older, the court also may suspend the person's driving privilege for one year, as specified.

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

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

Ch. 961 (AB 3004) Bader. School facilities: portable classrooms.

Existing law authorizes the State Allocation Board to administer a program that provides for the lease of portable classrooms to certain school districts and county superintendents of schools.

Existing law authorizes any school district, or combination of school districts or county superintendents of schools, under a joint power agreement, to apply revenues resulting from the levying of a developer fee by the participating school district or districts to the purchase of portable classrooms, as specified.

Existing law specifies that the portable classrooms are owned by the state and leased to the district or districts that purchase the classrooms. The State Allocation Board applies the purchase price as a rent credit against the lease.

This bill would establish a total yearly number of portable classrooms that could be purchased on a statewide basis and would establish a ceiling on the total number that may be purchased.

Existing law also provides for a delay in the payment by a school district of the local matching share required pursuant to its application for project funding under the Leroy F Greene State School Building Lease-Purchase Law of 1976, where the developer fee revenues otherwise applicable to that matching share requirement have been committed by the district for the purchase of portable classrooms.

This bill would remove the requirement that the repayment must come exclusively

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from the developer fees but would require that the delay in payment be no more than 5 years.

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

Ch. 962 (AB 3229) Polanco. Mental health: professional licensure.

(1) Existing law requires that the licensure requirements for clinical social workers, among others, in state and other governmental health facilities be not less than for those in privately owned health facilities. The State Department of Health Services is authorized to grant a waiver from licensure requirements for clinical social workers employed in publicly operated health facilities, who are gaining qualifying experience for licensure, for no longer than 3 years from the commencement of employment in the state.

This bill would extend the waiver of licensure requirements for clinical social workers to 4 years, with one additional year to be granted under extenuating circumstances.

(2) Existing law requires clinical social workers providing services under the Short-Doyle Act to possess a currently valid state license. This requirement may be waived for those clinical social workers who are gaining qualifying experience for licensure, for no longer than 3 years from commencement of employment in the state, or in the case of clinical social workers employed less than full time, an extension of the waiver may be granted for additional years proportional to the extent of part-time employment, but for no longer than 5 years total.

This bill would extend the waiver of licensure requirements for full-time clinical social workers to 4 years, with one additional year to be granted under extenuating circumstances, and for social workers employed less than full-time, for additional years proportional to the extent of part-time employment, but not to exceed 6 years.

(3) Existing law requires that specified personnel recruited from outside the state to provide services under the Short-Doyle Act, whose experience is sufficient to gain admission to a licensing examination, shall have 1 year from the date of their employment to become licensed, provided that the employee take the examination at the earliest possible date after employment, and if the employee does not pass the examination at that time, shall take the next scheduled examination, notwithstanding the 1-year limit.

This bill would instead require that the employee shall have 2 years to become licensed, and that an additional 1-year extension of waiver of licensure may be granted under extenuating circumstances.

Ch. 963 (AB 3239) Lancaster. Insurance: life and annuity policies.

Existing law makes no specific provision setting forth the requirements for replacement of individual life insurance and annuity policies.

This bill would, with respect to all individual life insurance and annuity policies, except as specified, require insurers, insurance agents, and brokers to give applicants specified information regarding replacement of existing life insurance or annuities, as specified.

The bill would impose various specified duties upon insurers, brokers, and agents in connection with replacement insurance, and would state legislative intent

Ch. 964 (AB 3456) Floyd. Independent wholesale sales representatives.

Existing law does not specifically regulate contractual agreements between manufacturers and their nonemployee sales representatives.

This bill would enact the Independent Wholesale Sales Representatives Contractual Relations Act of 1990 and would make a statement of legislative findings and declarations relating to that act.

This bill would require that whenever a manufacturer, jobber, or distributor uses the services of a wholesale sales representative, as specified, they shall enter into a written contract, and would prescribe the contents thereof. This bill would provide that a manufacturer, jobber, or distributor who willfully fails to enter into that written contract or who willfully fails to pay commissions as provided in that contract is liable in a civil action to the sales representative, as specified.

This bill would exempt any person licensed under the Alcoholic Beverage Control Act

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from its provisions.

Ch. 965 (AB 3510) Frazee. Nuisance abatement.

Under existing law, the legislative body of a local agency is authorized to establish a procedure, by ordinance, for the abatement of a nuisance and make the cost of abatement upon a parcel of land either a lien or a special assessment against that parcel.

This bill would specify the authority of the legislative body of a city to establish a procedure, by ordinance, for the collection of abatement costs of a public nuisance by a nuisance abatement lien against the parcel subject to the abatement. The bill would require notice prior to recordation of the lien and specify the contents of and the manner of service of notice of the lien and provide for recordation of the lien on the property. The bill would also specify the priority of the recorded nuisance abatement lien and would specify procedures for its collection. Since the bill would create additional duties upon the county recorder in connection with the recordation of notices and liens, the bill would impose a state-mandated local program.

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

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

Ch. 966 (AB 4018) Cortese. Public agency bonds: pledges of collateral.

Existing law permits various state and local public entities to pledge revenues, other moneys, contract rights, or other property to secure the payment of their bonds and similar obligations. Other provisions of existing law affecting certain public entities specify how the pledge is to be created and the nature of its enforceability. Various other existing provisions of law affecting other public entities either contain no specification regarding the creation or enforceability of these pledges or make no provision whatever for pledges

This bill would prescribe the extent to which pledges of collateral which are made by public bodies, as defined, in a pledge document in conjunction with their issuance of bonds are enforceable. This bill would also define the terms "bonds," "pledge," "pledge document," "collateral," and "security interest" for purposes of these provisions.

Ch 967 (AB 4069) W. Brown. Energy conservation assistance.

(1) Existing law establishes the State Energy Conservation Assistance Account to carry out the provisions of the Energy Conservation Assistance Act of 1979.

This bill would provide that it is the intent of the Legislature that this account be administered to provide grants and loans to local governments and public institutions for specified purposes and that the State Energy Resources Conservation and Development Commission seek the assistance of utility companies for specified purposes. The bill would make related legislative findings and declarations.

The bill would authorize the commission to contract for services, and to make grants to demonstrate energy efficiency technologies, as specified.

(2) Under existing law, for purposes of the Energy Conservation Assistance Act of 1979, "building" is defined as any occupied structure which includes a heating or cooling system, or both, the construction of which was completed on or before April 20, 1977.

This bill would eliminate the requirement that construction has been completed on or before April 20, 1977.

(3) Under existing law, the act is to remain in effect until January 1, 1991, and then is to be repealed, with all unexpended funds in the State Energy Conservation Assistance Account reverting to the General Fund.

This bill would extend the operation of the act until January 1, 2001.

(4) The bill would transfer $3,280,000 from the State Energy Conservation Assistance Account, as prescribed, and would augment specified items for support of the commission in the Budget Act of 1990 by a similar amount.

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

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Ch. 968 (AB 4111) Chacon. Elections: registration: violations.

Existing law requires any person entrusted with a completed voter registration affidavit on a voter registration card to sign and date the attached, numbered receipt, indicating specified items of information, and give the receipt to the elector. Failure to comply with this requirement does not invalidate the registration of a voter.

This bill would require that any person who assists another to register to vote by receiving the completed affidavit of registration from the elector in exchange for money or other valuable consideration, provide additional specified information to be included on the affidavit.

This bill would require any person, company, or other organization who agrees to pay money or other valuable consideration to any person who assists another person to register to vote by receiving the completed affidavit of registration, to maintain a list of the names, addresses, and telephone numbers of all individuals that the person, company, or other organization has agreed to compensate for assisting others to register to vote. It would also prohibit any person, company, or other organization who agrees to pay money or other valuable consideration to any person to assist another to register to vote by receiving the completed affidavit of registration from rendering the payment or promised consideration unless the information required by this bill has been affixed personally on the affidavit by the person with whom the agreement for payment was made.

This bill would impose a state-mandated local program by imposing misdemeanor penalties upon any person who fails to provide the required information.

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

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

Ch. 969 (AB 4254) Johnston. California Commodity Law of 1990.

Existing state law contains various provisions governing securities transactions, but contains no similar provisions which regulate commodities

This bill would establish the California Commodity Law of 1990 which would prohibit a person from selling, purchasing, or offering to sell or purchase any commodity, as defined, under any commodity contract or under any commodity option, or from offering to enter into or entering into as a seller or purchaser any commodity contract or any commodity option, with specified exceptions. This bill would prohibit a person from engaging in a trade or business or otherwise acting as a commodity merchant unless the person is registered or temporarily licensed with the Commodity Futures Trading Commission, as specified, or is exempt from the registration by virtue of the federal Commodity Exchange Act or a rule or regulation of the Commodity Futures Trading Commission. Similarly, this bill would prohibit a board of trade from trading or providing a place for the trading of, any commodity contract, as described, unless the board of trade has been so designated for the commodity contract and that designation has not been vacated, suspended, or revoked. This bill would regulate commodity transactions that are fraudulent, deceitful, or involve the misappropriation or conversion of funds, security, or property of any other person.

This bill would specify the duties of the Commissioner of Corporations with respect to the California Commodity Law of 1990, and among other things, would authorize the commissioner, whenever it appears that any person has engaged, or is about to engage, in any act or practice constituting a violation of that law or any rule or regulation under that law, to bring an action in the superior court to enjoin the acts or practices or to enforce compliance with the law, or any rule or regulation. Moreover, the commissioner would be authorized to make public or private investigations within or outside of this state and to publish information concerning any violation of this bill.

The violation of these provisions would constitute a crime and would thereby constitute a state-mandated local program. This bill would provide that any person who willfully violates any provision of the California Commodity Law of 1990, upon conviction, shall be fined not more than $250,000 or imprisoned in the state prison or the county

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jail for not more than one year or be punished by both a fine and imprisonment. However, any person who willfully violates the provisions relating to fraudulent commodity transactions would be fined not more than $250,000 or be imprisoned in the state prison for 2, 3, or 4 years, or be punished by both a fine and imprisonment.

This bill would require the commissioner to adopt emergency regulations to implement these provisions.

The bill would require the commissioner to maintain a list of all commodity merchants and would require each commodity merchant and each telephonic seller of a commodity or a commodity contract to file a notice with the commissioner and to pay a specified fee.

The bill would create the Commodity Merchant Account and the Telephonic Seller of a Commodity or a Commodity Contract Account in the General Fund, would provide for the deposit of specified fees fixed by the commissioner in those accounts, and would provide that the moneys in the accounts shall be available for expenditure when appropriated by the Legislature.

The bill would require ¼ of specified fines collected to be remitted by counties to the state to the credit of the Commodity Merchant Account. The bill would thus impose a new duty on local government and constitute a state-mandated local program.

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

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

However, the bill would provide that if the Commission on State Mandates determines that this bill contains other costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be payable from the State Mandates Claims Fund.

Ch. 970 (AB 4352) Tanner Clinical laboratories.

Existing law provides for the licensing and regulation of clinical laboratories in California except for specified laboratories which are exempt from those provisions, including, among others, those laboratories owned and operated by an individual physician and surgeon or podiatrist for laboratory work performed on his or her own patients. The law requires the State Department of Health Services to require all licensed clinical laboratories to maintain records, equipment, and facilities which are adequate and appropriate for the services rendered and to demonstrate satisfactory performance in a proficiency testing program approved by the department.

This bill would authorize the department to require all clinical laboratories to meet those requirements, would require the department to conduct inspections of licensed laboratories no less than once every 2 years, and would require the department to develop regulations governing the testing done in exempt laboratories, as specified.

The bill would also require persons operating exempt laboratories to register with the State Department of Health Services by providing specified information prior to conducting any laboratory test.

Existing law specifies the fees for clinical laboratories.

This bill would increase the application fee for a clinical laboratory license from $248 to $600 and would increase the renewal fee for a clinical laboratory license from $196 to $557.

Ch. 971 (SB 585) Hill. Local agency formation commissions.

Existing law, enacted as Chapter 710 of the Statutes of 1989, permits a local agency formation commission to refer to a reorganization committee any incorporation proposal that includes, or may be modified to include, specified changes of organization affecting an independent special district.

This bill would make various technical changes to this statute.

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Ch. 972 (SB 722) Hill. Vital statistics: certificates: local registrars: acceptance for registration.

(1) Existing law requires the local registrar of births and deaths and the local registrar of marriages, before acceptance for registration, to carefully examine each vital statistic certificate and, if any are incomplete or unsatisfactory, to require such further information to be furnished as may be necessary to make the record satisfactory.

This bill would retain the above requirement with respect to the local registrar of marriages, but with respect to the local registrar of births and deaths would require them to require further information if the vital statistic certificate is not completed in a manner consistent with the policies established by the State Registrar.

(2) Existing law also provides that every local registrar who fails, neglects, or refuses to perform certain duties is guilty of a misdemeanor.

Since the bill would impose additional duties on local registrars, it would create a state-mandated local program.

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

The bill would provide that for certain costs, no reimbursement is required by this act for a specified reason.

This bill also would provide that, if the Commission on State Mandates determines that this bill contains other costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 973 (SB 1807) Kopp. Facsimile telephone numbers· inclusion in directories.

(1) No provision of existing law prohibits the publisher of a directory that contains facsimile telephone numbers from publishing those numbers without the prior consent of the subscriber who has been assigned that number.

This bill would require every publisher to obtain the prior written consent of the subscriber who has been assigned a telephone number for a facsimile machine prior to including the number in any commercial directory of telephone numbers, except as specified, and would make a violation of the prohibition an infraction punishable by a fine of $500, thereby imposing a state-mandated local program by creating a new crime. The bill would require publishers to notify subscribers of the numbers printed in their directories of this requirement on or before April 1, 1991. The bill would also prohibit a telephone corporation from including a number as the number for a facsimile machine in any directory of telephone numbers unless requested to do so by the subscriber. Under existing law, a violation of the Public Utilities Act is a crime; this bill would, therefore, impose a state-mandated local program by creating a new crime.

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

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

Ch. 974 (SB 1957) Ayala. Property taxation assessment procedures.

(1) Under existing law, a person appointed or selected to be a member of an assessment appeals board must have certain qualifications relating to experience and knowledge.

This bill would provide that, on and after January 1, 1992, every person who is a member of an assessment appeals board is encouraged to and may complete within a specified period of time certain training developed and conducted by the State Board of Equalization

(2) Existing property tax provisions provide for the claiming, determination, and payment of refunds of property tax.

This bill would provide that where a reduction in base year value of real property

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results in a supplemental assessment for the value of the reduction being levied and charged to a subsequent owner of that property, that portion of any refund due and owing to a former owner of that property, in the amount of the taxes on the reduction in base value after the former owner sold or transferred ownership of the property, shall be applied to satisfy that supplemental assessment. It would also require any person claiming a refund due to a reduction in base year value to certify, as specified, whether the property has been sold or transferred. It would specify that these provisions apply only in a county in which the board of supervisors adopts a resolution, as specified, that makes these provisions applicable in the county.

(3) Existing law prescribes the necessary qualifications for nomination to a property tax assessment appeals board.

This bill would also permit until January 1, 1996, in a county of the 11th class, a person to qualify for renomination to an assessment appeals board if that person has at least 10 years' of service on a board.

Ch. 975 (SB 2234) Robbins. Vessels.

(1) Existing law establishes a 5 mile-per-hour speed limit for vessels in designated areas, including within 100 feet of any person engaged in bathing, and within 200 feet of any beach frequented by bathers. Existing law provides that water skiing is not bathing.

This bill would, for purposes of that speed limit law, define "bather" and "bathing" as floating, swimming, wading, or bodysurfing, with or without specified devices. The bill would impose a state-mandated local program by expanding the definition of a crime.

(2) Existing law reserves the use of a distinctive blue light for law enforcement vessels under specified conditions

This bill would specifically provide that, under those conditions, the blue light may be used in search and rescue operations, recovery of drowned bodies, enforcement of state and local measures for regulation of boating activities, inspection of vessels, and supervision of organized water events.

The bill would impose restrictions on the operation of other vessels in the vicinity of a law enforcement vessel operating with a siren or illuminated blue light, as specified, and impose requirements on the operator of a cable ferry with respect to a law enforcement vessel being so operated. Because a violation would be a crime under existing law, the bill would impose a state-mandated local program by creating a new crime.

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

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

Ch. 976 (SB 2663) Presley. Corrections.

(1) Existing law requires the county health officer to annually investigate the health and sanitary conditions in every county jail and other detention facility of the county.

Existing law requires each private work furlough facility and program to be inspected biennially by the Board of Corrections and to pay a fee to the board.

This bill would, instead, require every county jail, every other publicly operated detention facility in the county, and all private work furlough facilities to be investigated annually by the county health officer. It would require the private work furlough facilities and programs to pay an annual fee to the county health officer commensurate with the cost of the investigation. By requiring the county health officer to conduct these additional investigations, this bill would impose a state-mandated local program.

(2) Existing law authorizes the establishment of a Jail Industry Commission for specified counties and provides that a commission established pursuant to the provision and any jail industry program conducted under the authority of a commission so established, is not to remain in existence for more than 2 years from the date of its establishment.

This bill would extend the time period in which the commission and a jail industry program could remain in existence, pursuant to these provisions, from 2 years to 4 years

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from the date of its establishment.

(3) Existing law imposes certain requirements for entering into public contracts, including, but not limited to, obtaining formal bids, adopting designated plans and specifications, and complying with other specified requirements.

Existing law also authorizes the board of supervisors of specified counties which exhibit evidence of jail overcrowding, as specified, to contract for the construction or expansion of jail facilities without meeting certain requirements, as described. Under existing law, the board of supervisors is required to evaluate, by a competitive process established by the board of supervisors, at least 3 proposals to do work and to select the lowest bid.

This bill would delete the requirement that the board of supervisors select the lowest bid and would require, instead, that if the board of supervisors does not select the lowest bid, it make a finding stating the reasons that the lowest bid was not selected.

(4) Under existing law, the Board of Corrections is prohibited from approving the expenditure of money appropriated from the 1986 County Correctional Facility Expenditure Fund for the construction of county detention facilities until a master plan for county detention facilities has been prepared and adopted by the board of supervisors of the county proposing to construct the facililties. The board of supervisors is required to determine the location of any detention facilities pursuant to a master plan.

This bill would provide that the determination by the board of supervisors of the location of county detention facilities is not subject to any initiative or ordinance adopted by initiative. This bill would provide, however, that the limitation does not limit the use of a referendum of a decision of the board of supervisors on the location of county detention facilities.

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

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

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

Ch. 977 (SB 2862) Presley. Coachella Valley Mountains Conservancy.

(1) Existing law establishes the Santa Monica Mountains Conservancy.

This bill would establish the Coachella Valley Mountains Conservancy, for the purpose of acquiring and holding, in open space, mountainous lands surrounding the Coachella Valley. The bill would specify the conservancy's powers and duties and would authorize measures to finance its activities, including the imposition of fees and the levy of special taxes and assessments, pursuant to specified law.

Since violation of conservancy rules and regulations would be an infraction, the bill would impose a state-mandated local program by authorizing the creation of a new crime. By designating specified mayors or city council members and county supervisors as members of the governing board of the conservancy, the bill would impose a state-mandated local program.

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

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund However, for certain costs, the bill would provide that no reimbursement is required by this act for a specified reason

Ch. 978 (AB 294) Bader. Physical education specialists. [12]

Existing law includes courses in physical education among the required courses of study for grades 1 to 12, inclusive, unless a pupil is exempted from that requirement, as

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specified

This bill would establish the Physical Education Specialist Program, to be administered by the State Department of Education, for the purpose of providing funding to applicant school districts maintaining elementary schools to establish a physical education specialist program for elementary schools in accordance with the requirements prescribed by this bill. The bill would authorize participating school districts to receive a one-time grant in the amount of $1,000 for each elementary school to be used for the purchase of equipment necessary for an elementary school physical education program. The bill would require physical education specialists to be the holders of a single subject teaching credential authorizing instruction in physical education, and would impose a maximum ratio of physical education specialists to elementary schools of one physical education specialist for every 2 elementary schools in the district.

This bill would require the department to adopt criteria for the selection of participating school districts and for the evaluation of the effectiveness of each participating school district, as prescribed.

This bill would require the Commission on Teacher Credentialing to review the multiple subject teaching credential requirements to assess the scope and content of course units in physical education that are required for the completion of a diversified or liberal arts program, as specified, and would require the commission to submit a report to the Legislature on or before January 1, 1992, on this assessment, including recommendations for improving teacher preparation in providing instruction in physical education.

This bill would appropriate $145,000 from the General Fund to the State Department of Education for the purpose of administering and evaluating the program, for allocation in accordance with a prescribed schedule

Ch. 979 (SB 306) Morgan. School employees [13]

Existing law provides that, notwithstanding any other provision of law, the governing board of a school district may employ an individual in any administrative or supervisory position, irrespective of whether or not he or she holds a supervisory or administrative credential, if that individual (1) holds a valid teaching credential, (2) has completed 15 years service as a teacher, as defined, including 10 years of teaching service in the district, and (3) the last 10 years of service immediately preceding his or her appointment were as a teacher of the natural sciences, certain social sciences, the humanities, mathematics, and the fine arts.

This bill, commencing January 1, 1991, would specify that this authorization shall only apply to persons who were employed by the governing board of a school district in a supervisory or administrative position on or before January 1, 1991, under the prior statutory authority.

This bill would require the Commission on Teacher Credentialing to adopt criteria, on or before June 30, 1991, to exempt certain persons from the requirement of obtaining an administrative services credential, as specified. The bill would declare the intent of the Legislature that institutions of higher education be encouraged to actively participate in partnerships with local governing boards, school district administrators, teachers, and other certificated staff in the development and implementation of innovative programs of school organization

This bill would further declare the Legislature's intent that the minimum requirements for the administrative services credential reflect an appropriate balance of coursework, supervised fieldwork, and other experiences designed to develop the skills required of a school administrator. The bill would require the commission, in consultation with institutions of higher education, the State Department of Education, and other specified persons, to conduct a study of the existing university-based administrative credential structure and preparation programs, competency requirements for administrators, and the California School Leadership Academy Training Center instruction program and other nonuniversity-based training, and to report its findings, as specified, to the Legislature by March 1, 1992.

This bill would require the Commission on Teacher Credentialing, based upon those findings, to propose changes to the regulations regarding preliminary and professional

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administrative credentials and to initiate this process by June 1992.

This bill would appropriate $100,000 from the Teacher Credentials Fund to the Commission on Teacher Credentialing for the purpose of conducting a comprehensive study of the administrative services credential and administrative preparation programs.

Ch. 980 (SB 2786) Presley. Correctional facilities. [14]

(1) Existing law permits a city to annex noncontiguous territory within the county in which the city is located, under specified conditions.

(2) This bill would provide that notwithstanding existing law and upon approval by the local agency formation commission, the City of Blythe may annex noncontiguous territory of not more than 1,800 acres, located in the County of Riverside and which constitutes a state correctional facility.

The bill would provide that if, after the completion of the annexation, the state sells that territory or any part thereof, all of the territory which is no longer owned by the state shall cease to be part of the City of Blythe.

The bill would also provide that if territory is annexed, the city may not annex any territory not owned by the state and not contiguous to the city although the territory is contiguous to the territory annexed by the provisions of the bill.

The bill would provide that when territory ceases to be part of the city pursuant to these provisions, the legislative body of the city shall adopt a resolution, as specified, conforming the detachment of that territory from the city.

The bill would specify that if territory annexed to the city becomes contiguous to the city, its limitations concerning the annexation of the territory would not apply.

The bill would permit the City of Blythe to enter into an agreement apportioning any increase in state subventions due to the annexation.

(3) In addition, the bill would provide that notwithstanding existing law and upon approval by the local agency formation commission, the City of Susanville may annex noncontiguous territory of not more than 1,400 acres, located in the County of Lassen, and which constitutes a state correctional facility.

The bill also would make the provisions concerning the City of Blythe as specified in (2) applicable to the City of Susanville.

(4) Existing law lists specified prisons and institutions that are under the jurisdiction of the Department of Corrections.

This bill would rename certain of those institutions and add certain additional prisons and institutions to the list.

(5) Existing law contains various provisions specifically authorizing the Department of Corrections to construct and establish specified correctional facilities.

Existing law contains various bond acts authorizing the issuance of general obligation bonds for the construction of state and local correctional facilities.

This bill would authorize the Department of Corrections to construct and establish a 2,000-bed Level III prison together with a 400-bed support services facility on the existing grounds at Chuckawalla Valley State Prison, a 2,000-bed Level III prison together with a 200-bed Level I support services facility in the vicinity of Coalinga in Fresno County, and a 1,000 Level I beds work-based camp facilities.

The bill would also appropriate funds from the 1990 and 1990-B Prison Construction Bond Funds, as specified, to the Department of Corrections for purposes of funding the facilities described above and the California State Prison-Imperial County, South.

(6) This bill would require the Department of Corrections to establish for the California State Prison-Imperial County, South, an annual goal of 20% for the employment of minorities, as defined, women, and persons with disabilities, who are residents of the Imperial Valley, and an annual goal of an additional 20% for the employment of residents of the Imperial Valley, thereby establishing a cumulative goal of 40% for the employment of those residents at these facilities.

(7) This bill would require the Department of Corrections, in appointing a person to the position of community resources manager for the California State Prison-Imperial County, South, and the position of community resources manager for the California state prisons authorized by this bill to consider for those positions qualified persons from the county where the prison is located who have an understanding of local governmental

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policies and issues and who have a knowledge of the correctional system.

(8) The bill would exempt projects authorized by the bill from certain statutory provisions requiring consideration of alternative sites and alternate uses.

Ch. 981 (SB 549) Presley. Correctional facilities: Youth.

(1) Existing law contains various provisions specifically authorizing the Department of Corrections to construct and establish specified correctional facilities.

Existing law contains various bond acts authorizing the issuance of general obligation bonds for the construction of state and local correctional facilities.

This bill would authorize the Department of Corrections to construct and establish a 2,000-bed Level III prison together with a 400-bed support services facility on the existing grounds at Chuckawalla Valley State Prison, a combination 100-bed reception center and 1,900-bed Level II prison together with a 200-bed support services facility on the grounds of the California Correctional Center, a women's facility of up to 2,000 beds on the grounds of the Central California Women's Facility in Madera County, a 2,000-bed Level III prison together with a 200-bed Level I support facility in Fresno County, a joint-use facility on the existing grounds of San Quentin consisting of a 2,650 bed reception center for state inmates and a separately located minimum security facility of 300 beds leased to the County of Marin, under the terms of a specified agreement, and a 1,000 Level I bed work-based camp facility.

The bill would exempt certain described projects from statutory provisions requiring the consideration of alternative sites and alternative uses.

The bill would, with respect to the Fresno County state prison, specify that it is the intent of the Legislature that the City of Coalinga and the Department of Corrections actively endeavor to encourage development of affordable accommodations and transportation at locations and times to afford all visitors to prisoners.

The bill would also appropriate $637,500,000 from the 1990 and 1990-B Prison Construction Bond Funds, as specified, to the Department of Corrections for purposes of funding certain facilities described above and funding the replacement of certain modulars at the Bautista Conservation Camp in Riverside County. The bill would authorize a modified lease-purchase funding method for obtaining the California State Prison-Fresno County and the joint-use correctional facility at San Quentin.

(2) Existing law authorizes the Department of Corrections to construct and establish a 2,000-bed Level IV prison, together with a 200-bed service facility, in Imperial County and appropriated $193,700,000 from the 1990 Prison Construction Fund for this prison and service facility to be repaid from funds derived from lease-purchase financing methods.

Existing law also authorizes the Department of Corrections to construct and establish a 2nd separate 2,000-bed Level III prison, together with a 200-bed Level I support facility in Imperial County.

This bill would authorize the necessary funding for the construction of the California State Prison-Imperial County, South, described as the 2nd facility above, to be obtained through lease-purchase financing methods. The bill would specify that funds derived from this method are continuously appropriated, as specified, for purposes of acquiring and constructing or refinancing the prison with $214,400,000 being made available for capital outlay for that facility.

This bill would repeal the $193,700,000 appropriation from the 1990 Prison Construction Fund for the 1st-referred-to prison facility consisting of a 2,000-bed Level IV prison, and a 200-bed service facility.

(3) Existing law lists specified prisons and institutions that are under the jurisdiction of the Department of Corrections.

This bill would rename certain of those institutions and add certain additional prisons and institutions to the list.

(4) The bill would prohibit proceeds from the sale of revenue bonds from being expended pursuant to this bill until the funds appropriated from the Emergency Correctional Facility Bond Fund by the Comprehensive Crime Reduction and Drug Control Act of 1990 (Proposition 129) have been appropriated. The bill would provide that upon the appropriation of funds from the Emergency Correctional Facility Bond Fund, the

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funds appropriated from revenue bonds described above shall be reduced, by $306,000,000.

(5) The bill would require the Department of Corrections to use the funds appropriated from the Emergency Correctional Facility Bond Fund for correctional facilities authorized by this bill.

The bill would specify that the restrictions in (4) and (5) shall only become operative if Proposition 129 is adopted and they shall not apply if the expenditure of funds from the Emergency Correctional Facility Bond Fund is subsequently delayed as a result of litigation.

(6) Existing law limits the circumstances under which a minor may be detained in a jail or other secure facility for the confinement of adults, and the Department of the Youth Authority is required to assist law enforcement agencies, probation departments, and courts with the implementation of these provisions, as specified. Under existing law, however, the Department of the Youth Authority may exempt a county that does not have a juvenile hall, or an offshore law enforcement facility, from compliance with these provisions for a reasonable period of time until December 31, 1990, for the purpose of allowing the county or the facility to develop alternatives to the use of jails and lockups for the confinement of minors, if specified conditions are met.

This bill would extend the period in which the Department of the Youth Authority may exempt a county or offshore law enforcement facility to a reasonable period of time until July 1, 1991.

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

Ch. 982 (AB 4229) Quackenbush Littering punishment.

Existing law prohibits specified acts of littering on highways and highway rights-of-way, and prescribes mandatory fines for the violations of those prohibitions.

Existing law authorizes the court to require, as a condition of probation, in addition to any other condition of probation and the mandatory fine imposed upon a conviction, that any person convicted pursuant to these provisions pick up litter, as specified, for not less than 8 hours.

This bill would impose a state-mandated local program by requiring the court to order, with regard to a person convicted pursuant to these provisions, and in addition to the fines imposed pursuant to these provisions, that person to pick up litter or clean up graffiti, as specified, for 8, 16, or 24 hours for the 1st, 2nd, or 3rd or subsequent conviction for violations of these provisions.

This bill would also provide that in no case is the court authorized to order imprisonment in the county jail for a violation punishable pursuant to these provisions

This bill would declare legislative intent that persons convicted of highway littering be required to bear the penalty for their actions and would prohibit the court from suspending the mandatory fines required by these provisions, except as specified, in unusual cases where the interest of justice would best be served by suspension of the fine.

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

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

Ch. 983 (SB 838) Bergeson. Transportation agencies· Orange County

(1) Existing law creates, specifies the membership of, and prescribes the functions of, the Orange County Transportation Commission.

This bill would rename the commission the Orange County Transportation Authority and revise its membership

(2) Existing law creates, and prescribes the functions of, the Orange County Transit

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District, and specifies the membership of the board of directors of the district.

This bill would make the members of the authority the board of directors of the district.

(3) Under existing law, a county may establish a service authority for freeway emergencies.

This bill would make the members of the authority the governing body of the Orange County Service Authority for Freeway Emergencies.

(4) Under existing law, included municipal operators are eligible for annual funding allocations pursuant to the Mills-Alquist-Deddeh Act.

This bill would, until July 1, 1996, prescribe the minimum allocation for included municipal operators within the jurisdiction of the authority.

(5) By transferring responsibilities from other local agencies to the authority, the bill would impose a state-mandated local program.

(6) The bill would impose a state-mandated local program by requiring the commission, the district, the service authority for freeway emergencies, and the Orange County Consolidated Transportation Services Agency to jointly develop a comprehensive plan for the consolidation of their functions, as specified, and to submit that plan to the Legislature, the Governor, and the Controller, by December 1, 1991. The bill would not become operative until that date or the submission of the plan, whichever is earlier.

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

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

Ch 984 (SB 1481) Keene. Courts.

(1) Existing law provides for the services of court reporters in municipal and superior courts, and establishes the maximum total filing fee, as defined, which may be charged in a civil action or proceeding. The total filing fee is set by the board of supervisors, and may be revised every 2 years. Any court reporter's filing fee is required to be included in the total filing fee.

The bill would also authorize a court reporter's filing fee in the superior or municipal courts, or both, in San Joaquin County, which would be exempt from the maximum total filing fee, except as specified. The bill would also authorize an additional daily fee for court reporter services in San Joaquin County, as specified.

(2) Existing law provides for the duties and compensation of superior court reporters, and provides for superior court reporter fees, in Stanislaus County.

This bill would revise the provisions for court reporter fees, and provide for the appointment of, revise the provision for the duties of, and recast the provision for the compensation of, superior court reporters, in Stanislaus County, as specified, thereby imposing a state-mandated local program. The bill would authorize the board of supervisors to set the court reporters' fees. The bill would also impose a state-mandated local program by removing the fees of superior court reporters in Stanislaus County from the exemption from payment of such costs applicable to local agencies.

(3) Existing law establishes the Mount San Hedrin Municipal Court District in Mendocino County.

This bill would rename that district as the Mount Sanhedrin Municipal Court District.

(4) Existing law specified the duties of the sheriff with respect to superior courts and the marshal with respect to municipal courts.

This bill would authorize each judge of the Mount Sanhedrin Municipal Court District to designate either the sheriff or marshal and their deputies to provide court-related services to that court.

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

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

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Ch. 985 (SB 1573) Boatwright. California State University: property sales: Contra Costa County.

Existing law appropriates all money received from the sale or disposition of real property acquired by or on behalf of a particular state university by a gift, bequest, devise, or donation to the Trustees of the California State University for expenditure for capital outlay for the acquisition and improvement of real property for the particular state university, in addition to any other amounts appropriated for that purpose by the Legislature.

This bill would require that moneys received by the California State University from the sales of interests in real property in Contra Costa County be deposited and maintained in the State Treasury to the credit of the California State University Special Projects Fund. These moneys would be available to the trustees for the purchase and development of real property for a California State University off-campus center in Contra Costa County.

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

Ch. 986 (SB 1777) Beverly. Uniform statutory form power of attorney.

Existing law provides for the use in this state of a statutory short form to create a power of attorney, as specified.

This bill would delete those provisions and enact instead the Uniform Statutory Form Power of Attorney Act. The bill would also set forth provisions relating to the use and operation of a springing power of attorney, as defined.

The bill would also incorporate further changes to Section 2511 of the Civil Code proposed by AB 835, contingent upon its prior enactment.

Ch. 987 (SB 1898) Garamendi. Franchise Tax Board: State Board of Equalization: administration: taxpayer relief.

Existing law authorizes the Franchise Tax Board and the State Board of Equalization to prescribe regulations in connection with their respective duties and also permits the Franchise Tax Board to delegate its authority to any officer or employee of that board.

This bill would provide that any regulation to be prescribed by the the State Board of Equalization shall become operative only if the board itself approves adoption of the regulation. It would provide that if any person requests, as specified, that a specific proposed regulation be considered by the Franchise Tax Board itself, then any authority delegated to any officer or employee to adopt that regulation is rescinded.

Under the existing Sales and Use Tax Law and under the Katz-Harris Taxpayer Bill of Rights Act which applies to the Personal Income Tax Law and the Bank and Corporation Tax Law, a person who fails to make a timely return or payment, may be relieved of the tax and any penalty or interest, if the State Board of Equalization or the Franchise Tax Board finds that the person's failure was due to the person's reasonable reliance on written advice from the applicable board, as specified.

This bill would add similar relief provisions to the Motor Vehicle Fuel License Tax Law, the Use Fuel Tax Law, the Private Railroad Car Tax Law, the Cigarette Tax Law, the Alcoholic Beverage Tax Law, the Timber Yield Tax Law, the Energy Resources Surcharge Law, the Emergency Telephone Users Surcharge Act, the Hazardous Substances Tax Law, the Solid Waste Disposal Site Cleanup and Maintenance Fee Law, and the Underground Storage Tank Maintenance Fee Law.

This bill would provide that specified payments on a delinquent tax or charge shall be applied as provided.

Ch. 988 (SB 1899) Ayala. State employees: benefits

Existing law provides that an officer or employee of a public agency with at least one year of service with the agency who is called to active duty due to membership in, among other organizations, a reserve component of the United States Military Reserve or of the California National Guard, is entitled to receive his or her state salary or compensation for the first 30 days while engaged in the performance of the active duty.

This bill would, in addition, entitle any state legislative, executive, or judicial branch officer or employee who, as a member of the California National Guard or a United

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States military reserve organization, is called up to active duty as a result of the Iraq-Kuwait crisis to receive, while on active duty, from the state, not to exceed 180 days, as part of his or her compensation, the difference between the amount of his or her military pay and the amount the officer or employee would have received as a state officer or employee, including any merit raises which would otherwise have been granted during the time the individual was on active duty. If, however, except for salary or compensation received under existing law, the officer or employee does not return to state service within 60 days of being released from active duty, the compensation would be treated as a loan payable with interest at the rate earned on the Pooled Money Investment Account.

The bill would specify that it would not apply to any active duty voluntarily served after the close of the Iraq-Kuwait crisis.

Ch. 989 (SB 2197) Garamendi. Taxes: payments· electronic fund transfers: study.

Under the existing Sales and Use Tax Law, returns generally must be filed and the tax paid quarterly, on or before the last day of the month following the quarterly period. However, if the State Board of Equalization determines that the taxpayer's taxable transactions average a specified dollar amount or more per month, monthly prepayments of tax must be made in a prescribed manner. Under existing law, the Franchise Tax Board and the Employment Development Department are responsible for the administration of specified tax laws.

This bill would require the State Board of Equalization, the Franchise Tax Board, and the Employment Development Department to study the feasibility of collecting specified tax payments by electronic fund transfers, and to submit a report of its findings to the Legislature no later than June 30, 1991.

Ch. 990 (SB 2244) Davis. Disposition of human remains: permit fee: peace officers: county coroner.

Existing law requires certain applicants for a permit to dispose of human remains to pay a $2 fee, adjusted annually pursuant to prescribed provisions of law, to the local registrar and requires the local registrar to pay ½ of those fees to the State Registrar and ½ of those fees to the county or city treasury.

This bill would require these applicants to pay an additional fee of $3 and would require the local registrar to pay $1 of the additional fee into the Peace Officers' Training Fund, a continuously appropriated fund, thereby making an appropriation and levying a state tax for the purpose of increasing revenues pursuant to Section 3 of Article XIII A of the California Constitution. The bill would require $2 of the additional fee to be paid into the county treasury for expenditure by the county for indigent burial.

The bill would exempt the additional fee from an annual adjustment, as specified.

Ch. 991 (SB 2731) Nielsen. Lake County: mosquito abatement districts: algae research, control, or abatement projects.

Existing law provides for the formation of districts for mosquito abatement or vector control Existing law defines "vector" for this purpose as any animal capable of transmitting the causative agent of human disease, or capable of producing human discomfort, as specified.

This bill would authorize any mosquito abatement district in Lake County to undertake algae research projects and algae control or abatement projects utilizing certain expanded powers, as specified.

This bill would require any herbicide application for purpose of algae abatement to be subject to the approval of the Department of Fish and Game, as specified.

This bill would make findings and declarations regarding the inapplicability of a general statute within the meaning of Section 16 of Article IV of the California Constitution.

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

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Ch. 992 (SB 2791) Garamendi. Property taxation.

(1) Existing law requires that any person who makes improvements to a mining claim file an affidavit within 30 days of the improvement. It provides that the county board of supervisors may require that any person filing the affidavit demonstrate proof of payment of unsecured taxes levied against the mining claim, prior to the recordation of the affidavit.

This bill would also permit the county board of supervisors to require that any person filing a federal notice of intent to hold demonstrate proof of payment of unsecured taxes levied against the mining claim, prior to the recordation of the notice.

(2) Under existing law, the auditor in each county with qualifying cities, as defined, is required to make property tax revenue allocations to those cities in accordance with a specified Tax Equity Allocation formula and to make corresponding reductions in the county's property tax revenue allocation. The existing Tax Equity Allocation formula requires that the distribution to a qualifying city be reduced by certain amounts, including the amount of revenue not collected by a qualifying city following the city's reduction after January 1, 1988, of the tax rate or tax base of any locally imposed general or special tax.

This bill would revise the conditions under which those reductions are to be made so that no reduction would be made with respect to the city's reduction in new taxes imposed after January 1, 1988. By imposing additional duties on the county auditor with respect to the allocation of property tax revenues under that revised formula, this bill would impose a state-mandated local program.

(3) Existing property tax law provides, until January 1, 1996, for a disabled veteran's property tax exemption in an amount not to exceed $60,000 in certain circumstances related to the level of the claimant's household income, with respect to the principal place of residence of a veteran who is blind in both eyes or has lost the use of 2 or more limbs or the unmarried surviving spouse of the veteran. Existing property tax law provides a similar exemption in the case of a totally disabled veteran, in an amount not to exceed $150,000. It also allows partial exemptions for certain late-filed claims, but only with respect to the former exemption amounts, which allowed a maximum amount of $40,000 for disabled veterans and $100,000 for totally disabled veterans.

This bill would revise the provisions relating to partial exemptions for certain late-filed claims to reflect the existing increased exemption amounts and would make a legislative declaration that the revision is made for a specified public purpose

(4) Under existing law, a party or the party's agent making an application to a county board of equalization for reduction of assessment must be examined on oath by the board, but the board may waive examination of the person or agent upon request and must give a written notice of decision on an application for waiver within 10 days after the filing of the application and request for waiver.

This bill would delete the requirement that written notice of the board's decision on the waiver request be given within 10 days after the filing of the application and request for waiver.

(5) Under existing law, delinquent taxes on the unsecured roll accrue certain specified penalties. It permits tax collectors to additionally recover certain costs incurred in suits to recover delinquent unsecured taxes.

This bill would allow the tax collector to collect actual costs of collection incurred by the county up to the time the delinquency is paid

(6) Existing law provides that in the case of tax-defaulted property sold for over $5,000, the tax collector may make the sale a cash or credit transaction, with a down payment as specified, and the balance to be paid in cash not more than 90 days from the date of the auction.

This bill would provide that the balance may also be paid in negotiable paper, as specified by the tax collector.

(7) Existing law permits redemption of tax-defaulted property by installment plan, in which 20% or more of delinquent taxes are paid each year along with all current taxes and penalties, but no credit for an installment is allowed under specified conditions after 5 years succeeding June 30 of the first fiscal year when no payment was made as

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required.

This bill would delete the provision disallowing a credit after 5 years succeeding June 30 of the first fiscal year when no payment was made as required.

(8) Under existing law, when tax-defaulted property is sold, the deed conveys title to the purchaser free of all encumbrances of any kind existing before the sale, with specified exceptions.

This bill would make an additional exception in the case of any lien for installment of taxes, which become payable upon the secured roll after the time of sale.

(9) Under existing property tax law, an assessee may pay an escape assessment which is not the fault of the assessee over a 4-year period if, among other things, the amount of the additional tax is over $100.

This bill would provide instead that an assessee may pay an escape assessment over a 4-year period if the taxes due are over $500.

(10) Under existing law, penalties, costs, and other charges resulting from tax delinquency may be canceled by the auditor or the tax collector with the approval of the board of supervisors upon the finding of any of certain specified conditions.

This bill would add as another specified condition for canceling the penalties, costs, and other charges, the fact that the cancellation was ordered by a local, state or federal court.

(11) Under existing law, a person who paid the tax and specified other parties may bring an action in superior court for refund of property taxes paid under specified circumstances.

This bill would specify that such an action may be brought only in the superior court.

(12) This bill would make other minor nonsubstantive technical changes.

(13) Section 2229 of the Revenue and Taxation Code provides that no new classification or exemption of property for purposes of ad valorem property taxation shall extend for more than 5 years or shall exempt more than 75% of the value thereof. The section requires the Legislature to reimburse local agencies annually for certain property tax revenues lost as a result of the exemption.

This bill would provide that the requirements of Section 2229 of the Revenue and Taxation Code do not apply to the property tax exemption provided by the bill, and that no appropriation is made and the state shall not reimburse local agencies for property tax revenues lost by them pursuant to the bill.

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

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 993 (SB 2800) Presley. Rail transportation: funding.

Under existing law, the amount of funds allocated by the Department of Transportation for a transit capital improvement project, a commuter passenger rail project, or an urban rail project, may not exceed 50% of the nonfederal share of the project's cost.

This bill would authorize a local agency to request authorization from the California Transportation Commission to make advance expenditures of funds, other than state or federal funds, for specified projects Advance expenditures approved by the commission would be considered either part of the nonfederal share of the project cost, or part of the match from public or private sources, for purposes of the allocation of state funds for the project.

The bill would require the commission, in consultation with the department and local transportation officials, to develop and adopt guidelines to implement the bill's provisions and to require that the advance expenditure of funds result in the completion of an operable segment of a transportation project, and would require the commission to prepare a report on the progress and impact of the advance expenditure program

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Ch. 994 (SB 2812) Ayala. Family law: support persons.

Existing law contains provisions relating to mediation of various matters in proceedings under the Family Law Act.

This bill would authorize parties, where the court has issued specified ex parte protective orders, temporary restraining orders prohibiting harassment, or protective orders issued pursuant to the Domestic Violence Prevention Act, to restrain another party, to have a support person attend mediation sessions that are held to mediate a dispute arising out of an action or proceeding under the Family Law Act but would authorize the exclusion of that support person from mediation sessions under specified circumstances. This bill would require the agency providing family court services to advise the party protected by the restraining order of the right to have a support person during mediation and would thereby impose a state-mandated local program. The presence of the support person would not waive the confidentiality of the mediation and the support person would be bound by that confidentiality. This bill also would authorize a support person to accompany a party in specified proceedings for an order restraining another party under provisions relating to ex parte protective orders, temporary restraining orders prohibiting harassment, or proceedings pursuant to the Domestic Violence Protection Act, and would specify that in these proceedings where there are allegations or threats of domestic violence, the support person may accompany a party to court, and where that party is not represented by an attorney, may sit with the party at the table that is generally reserved for the party and his or her attorney. This bill would expressly prohibit a support person from giving legal advice.

Existing law provides that in any proceeding where there has been a history of domestic violence between the parties, the mediator has the authority to meet with the parties separately when a request for separate mediation is made by the party protected by the order.

This bill would require any intake form that an agency charged with providing family court services may require the parties to complete prior to the commencement of mediation to include a provision indicating that at the request of the party protected by the order, where there has been a history of domestic violence between the parties, the parties shall meet with the mediator separately. It thus would impose a state-mandated local program by imposing requirements on an optional program.

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

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 995 (AB 115) Harvey. Hospital districts: contracts.

Existing law requires the board of directors of a local hospital district to make any contract subject to competitive bidding which involves an expenditure of more than $25,000 for materials and supplies or $25,000 for work to be done. Existing law excludes contracts for medical or surgical equipment or supplies, as defined, or professional services, including data processing programs or software, from competitive bidding. Existing law authorizes the board of directors to let contracts for work to be done or for material and supplies without competitive bidding if the board first determines that an emergency exists, as specified.

This bill would require, for a small and rural hospital, as defined, the board of directors to acquire materials and supplies which cost more than $25,000, but less than $50,000, through competitive means, as defined, except when the board makes either of 2 specified determinations. This bill would thereby impose a state-mandated local program.

This bill would exclude contracts for electronic data processing and telecommunications goods and services from competitive bidding.

This bill would require the board to acquire electronic data processing and telecom-

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munications goods and services through competitive means, as defined, except when the board makes either of 2 specified determinations. This bill would thereby impose a state-mandated local program.

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

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund

Ch 996 (AB 2609) Hughes. Additional 2 years' STRS service credit: suspension and extension.

Existing provisions of the State Teachers' Retirement Law generally limit receipt of service credit to time actually served in the performance of duties but permit members of the State Teachers' Retirement System (STRS) to receive an additional 2 years of service credit, under specified conditions, if the employer, by formal action, makes specified determinations, certifies to their respective supervisory officers that the net effect will result in no costs to STRS, the district, or the county superintendent of schools, and transmits the actuarial equivalent amount of money and the system's related administrative costs to the STRS. These provisions become inoperative on July 1, 1990, and are repealed as of January 1, 1991.

This bill would. require that the certifications be made, instead, directly to the Teachers' Retirement Board; delete a limitation respecting receipt of credit based upon a member attaining normal retirement age; and include in the amount required to be transferred, the actuarial equivalent of the difference between the purchasing power protection supplemental payment the member receives after receipt of the additional service credit and the amount the member would have received without the additional service credit and require that payment to be deposited in the continuously appropriated Supplemental Benefit Maintenance Account, which requirement would constitute an appropriation, and to be subject to related provisions. This bill would also make, in provisions relating to the purchasing power Supplemental Benefit Maintenance Program, related changes reflecting legislative intent. This bill would also extend the repeal date to January 1, 1994, with the result that these provisions will be inoperative, unless it is chaptered earlier, from July 1, 1990, to the effective date of this bill, and will be operative thereafter until January 1, 1994. This continuation of that authorization would impose state reimbursable, state-mandated negotiating costs since its exercise would be subject to negotiation under existing law relating to public school employer-employee relations.

This bill would incorporate additional changes in Section 87488 of the Education Code, proposed by SB 2298, to be operative only if SB 2298 and this bill are both chaptered and become effective on or before January 1, 1991, and this bill is chaptered last.

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

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

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

Ch. 997 (AB 2695) Johnston. Workers' compensation: payment for benefits.

Existing law prohibits any employer from exacting or receiving from any employee any contribution, or from making or taking any deduction from the earnings of the

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employee, either directly or indirectly, to cover the whole or any part of the cost of workers' compensation. Violation of this provision is a misdemeanor.

This bill would prohibit a provider of medical services, if an employee has filed a specified claim form, and the medical provider has actual knowledge that a claim is pending, from collecting money directly from the employee for services to cure or relieve the effects of the injury for which the claim form was filed, unless the medical provider has received written notice that liability for the injury has been rejected by the employer, and the medical provider has provided a copy of this notice to the employee. It would further provide that any medical provider who violates this provision shall be liable for three times the amount unlawfully collected, plus reasonable attorney's fees and costs.

Ch. 998 (AB 2789) Quackenbush. Motor vehicles· removal of abandoned vehicles from private property.

Under existing law, the owner or person in lawful possession of private property may, after notifying the police or sheriff, have a vehicle parked on that property removed if there is displayed, as specified, a sign prohibiting public parking and indicating that vehicles will be removed at the owner's expense.

This bill would, in addition, permit the owner or person in lawful possession of private property where the specified sign is not displayed to have a vehicle parked on that property removed (1) 96 hours after the vehicle was issued a notice of a parking violation or (2) 24 hours after notification of the police or sheriff, as appropriate, if the vehicle lacks any major part or equipment, as specified, necessary for safe operation on the highways.

The bill would make additional changes in Section 22658 of the Vehicle Code, proposed by SB 1763, to be operative only if SB 1763 and this bill are both enacted and this bill is enacted after SB 1763.

Ch. 999 (AB 2920) Areias. Credit cards.

Existing law does not prohibit persons who accept credit cards in business transactions from requiring, as a condition of accepting a credit card, that the cardholder write or provide personal identification information for notation on the credit card transaction form or otherwise. Existing law does not prohibit the utilization of credit card forms with preprinted spaces for filling in personal identification information.

This bill would enact these prohibitions, but would provide that the prohibitions do not apply to cash advance transactions, or to personal identification information, or to forms with preprinted spaces for personal identification information that the person, firm, partnership, association, or corporation accepting the credit card is contractually obligated to provide in order to complete the credit card transaction or that is required for any other special purpose incidental but related to the credit card purchase. The bill would make violators subject to a civil penalty of up to $250 for a first violation and $1,000 for subsequent violations. However, no civil penalty would be assessable under the bill if the defendant shows by a preponderance of the evidence that the violation was not intentional and resulted from a bona fide error made notwithstanding the defendant's maintenance of procedures reasonably adopted to avoid the error. The civil penalties would be assessed and collected in civil actions brought by the person paying with a credit card, by the Attorney General, or by district attorneys and city attorneys The civil penalties would be payable, as appropriate, to the person paying with a credit card who brought the action, or to the general fund of whichever governmental entity brought the action. The bill would also authorize the Attorney General, district attorneys, and city attorneys to obtain injunctive relief, as specified.

Ch. 1000 (AB 3012) Speier. Public social services: Family Drug Free Housing Pilot Project.

Existing law provides for various programs for the prevention and treatment of substance abuse.

This bill would require the State Department of Alcohol and Drug Programs to establish pilot project sites in up to 2 participating counties for a Family Drug Free

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Housing Pilot Project, to be in effect for 3 years. It would require participating counties to develop and implement a plan for interagency collaboration with a participating local housing authority and to provide onsite support services, as defined, to families with a history of substance abuse, or who are at risk of becoming substance abusers, and who reside in a local housing authority project.

The bill would require the participating counties to report to the State Department of Alcohol and Drug Programs on the pilot projects by June 30, 1993, and would require that department to report to the appropriate committees of the Legislature on the pilot projects, incorporating information received from the reports provided by each participating county.

The bill would establish parameters for the determination of the success of the pilot project.

This bill would require the department to utilize funds from the Drug Free Schools and Communities Act for the purposes of the pilot project, and would authorize local government agencies to provide additional resources as available.

The provisions of this bill would be repealed on January 1, 1994.

Ch. 1001 (AB 3107) Farr. Subdivision maps: filing with recorder.

Existing law requires that whenever any part of a subdivision is subject to a lien for taxes or special assessments collected as taxes which are not yet payable, the final map or parcel map shall not be recorded until the owner or subdivider complies with 2 conditions, including executing and filing with the clerk of the board of supervisors security conditioned upon the payment of specified taxes and the current installment of special assessments. Existing law further requires that if a final map or parcel map is subject to that requirement after all certificates or statements and security have been filed and deposited with the clerk of the board and approved by the county, the clerk shall certify or state that the certificates and statements have been filed and deposits have been made and shall transmit the map to the county recorder.

Existing law also permits the board of supervisors to authorize any county officer to perform the duties required of the clerk of the board relating to filing final maps or parcel maps with the county recorder.

This bill would permit the board of supervisors to authorize any county officer to approve the security for payment of taxes relating to the recording of final maps or parcel maps if that officer also performs other duties required of the clerk of the board relating to taxes on, and assessments to, subdivisions.

The existing Subdivision Map Act, exempts from its provisions, certain lot line adjustments between 2 or more existing adjacent parcels. Existing law requires these lot line adjustments to be reflected in a deed.

This bill would impose a state-mandated local program by requiring the deed to be recorded.

Existing law permits a final subdivision map or parcel map which is filed in the office of the county recorder, to be amended by a certificate of correction or an amending map under specified circumstances among which are to indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor charged with responsibilities for setting monuments.

This bill would also permit the map to be amended by a certificate of correction or an amending map to indicate monuments set after the replacement of the engineer or surveyor charged with responsibilities for setting monuments.

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

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

Ch. 1002 (AB 3179) N. Waters. Mosquito abatement and vector control.

(1) Under existing law, the governing board of a special district, as defined, may by resolution provide for the establishment of a revolving fund in an amount not to exceed $1,000 for the purpose of making change and paying small bills directly. Under existing

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law, the governing board of a public cemetery district may provide, by resolution, for the establishment of a revolving fund in an amount not to exceed 110% of 1/12 of the district's adopted budget for that fiscal year, and would permit the district to use the fund to pay any authorized expenditures of the district

The bill would extend this latter authority to a mosquito abatement district or vector control district.

(2) Under existing law, mosquito abatement districts and vector control districts are authorized to take various actions to abate mosquitos and control vectors, as defined. Under existing law, interfering with work done by, or under the direction of, a district is punishable as a misdemeanor

This bill would authorize the June Lake Public Utility District to exercise all of the powers of a mosquito abatement district or vector control district necessary for mosquito abatement and vector control within the territory of the June Lake Public Utility District, if the governing board of the mosquito abatement district or vector control district, if any, having jurisdiction over the area where the abatement or control efforts are to take place consents to the exercise of those powers. By expanding the scope of the misdemeanor to include mosquito abatement or vector control by the June Lake Public Utility District, this bill would impose a state-mandated local program.

This bill would make certain findings and declarations regarding the inapplicability of a general statute within the meaning of Section 16 of Article IV of the California Constitution.

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

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

Ch. 1003 (AB 3213) Jones. Community services districts: Bass Lake.

Existing law provides for the creation and establishment of community services districts to provide various services. Existing law provides that the people of any unincorporated territory may petition the board or boards of supervisors for the formation of a community services district.

This bill would permit qualified voters, as defined to include residents and nonresident landowners, of the Bass Lake area of Madera County to petition the board of supervisors for the formation of a community services district, and to be eligible to be members of the board of directors of the community services district.

The bill would state that these provisions constitute necessary special legislation.

Ch. 1004 (AB 3261) Hunter. Vehicles: notices of parking violation.

(1) Existing law specifies the procedure to be followed when a peace officer or person authorized to enforce parking laws and regulations issues a notice of parking violation for an unlawfully parked vehicle, and requires that the notice set forth the vehicle license number and registration expiration date, the color of the vehicle, and, if possible, the make of the vehicle.

This bill would, in addition, require the notice to set forth the last 4 digits of the vehicle identification number, if that number is visible through the windshield. By imposing this requirement on local agencies, the bill would impose a state-mandated local program.

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

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

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Ch. 1005 (AB 3314) Harris. Healing arts.

Existing law prescribes the qualifications for licensure as a psychologist, clinical social worker, and marriage, family, and child counselor.

This bill would, with respect to any person applying for renewal of a license as a psychologist, clinical social worker, or marriage, family, and child counselor, require the Board of Psychology and the Board of Behavioral Science Examiners to consider adoption of continuing education requirements as respects training in the area of recognizing chemical dependency and the proper steps for early intervention, as specified. The bill would make legislative findings and declarations and require those boards to report to the Legislature on those matters on or before June 30, 1991, as specified.

Ch. 1006 (AB 3380) Baker. Child care.

Existing law authorizes the governing board of a school district to establish a program of affordably priced supervision for children before and after school, as specified.

This bill would require the Superintendent of Public Instruction to review the programs established by school districts to provide before and after school care for schoolage children, and child supervision programs offered by private entities, and to report to the Legislature no later than April 1, 1991.

This bill would require the superintendent to fund the review from funds provided to the State Department of Education through the Budget Act.

This bill would encourage the California State University and the Chancellor of the California Community Colleges to each convene a task force to investigate and report, as specified, on the potential role of California State University and community college students in child supervision programs. The bill would require that each task force report to the Legislature the results of its investigation no later than July 1, 1991.

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

Ch. 1007 (AB 4148) Cortese. Grapes: new grape products: development and marketing: study.

Existing law provides for the establishment of a Wine Grape Inspection Advisory Committee to advise the Director of Food and Agriculture on matters pertaining to grapes for wine and byproducts.

This bill would require the director, in consultation with the University of California and the California State University, and with the advice of a subcommittee of the Wine Grape Inspection Advisory Committee required to be formed by the bill, to conduct a study on the feasibility of establishing a public or private program, or a combination thereof, for the development of new grape-based products and their uses and for promoting and marketing these new products. The bill would require the director to report his or her findings and recommendations to the Governor and specified committees of the Legislature, not later than January 1, 1992.

The bill would prohibit the Department of Food and Agriculture from conducting the study unless and until the department receives $50,000 to conduct the study, either from private industry or in grants from other sources, or in any combination thereof.

Ch. 1008 (AB 4164) Mountjoy. Airport land use commissions: staff training.

(1) Under existing law, each county in which there is an airport served by a scheduled airline and, with a specified exception, each county with an airport operated for the benefit of the general public, is required to establish an airport land use commission. The commission is required to formulate a comprehensive land use plan to provide for the orderly growth of the airport and the area surrounding the airport within the jurisdiction of the commission.

This bill would require the Department of Transportation, after consulting with airport land use commissions, cities, counties, and other appropriate public entities, to develop and implement a program to assist in the training and development of the staff of airport land use commissions, as specified.

(2) This bill would appropriate $100,000 from the Aeronautics Account in the State Transportation Fund to the Department of Transportation for the purposes of the bill.

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

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Ch. 1009 (AB 4227) Quackenbush. Disaster relief: small business loans.

Existing provisions of the Natural Disaster Assistance Act provide for allocation of moneys available for purposes of that act for specified purposes of state and local agencies.

Existing law authorizes allocation of funds made available for purposes of that act, in connection with the October 17, 1989, northern California earthquake and incidents subsequent thereto, and resulting therefrom, in the affected area during the period of earthquake relief, to the Small Business Expansion Fund for use by the Office of Small Business to (1) provide prescribed loan guarantees pursuant to the Small Business Development Corporation Law for small businesses, and to (2) provide prescribed guarantees for short-term interest loans for small farms, nurseries, and agriculture-related enterprises, all of which have suffered damage or significant economic losses as a result of the disaster.

This bill would instead provide that the maximum term of the loan guarantee shall be not more than 12 months except, under specified circumstances, an agricultural loan or a loan guarantee denied by the federal Small Business Administration may be extended for a 7-year maximum term.

Existing law specifies that, with respect to the loan guarantees made for loans made by commercial lending institutions, the loan is required to be due and payable 12 months from the date the loan is made or on the date the proceeds of a loan made or guaranteed by the federal Small Business Administration, with respect to the same damage or loss, are made available to the borrower, whichever first occurs

This bill would instead provide that the term of the loan would be determined by the financial institution providing the loan, or shall be made payable on the date the proceeds of a loan made or guaranteed by the federal Small Business Administration, with respect to the same damage or loss, are made available to the borrower, whichever occurs first.

Since moneys may be transferred for purposes of the bill from the Disaster Response-Emergency Operations Account, which is a continuously appropriated account, and since the bill lengthens the loan guarantee periods for which these moneys may be used, the bill would constitute an appropriation.

This bill would state that it is the assumption of the Legislature, in enacting the bill, that no applications for loan guarantees for loss due to the Loma Prieta earthquake, will be accepted by small business development corporations after September 1, 1990.

Ch. 1010 (AB 4294) Tanner. Hazardous Waste Reduction, Recycling, and Treatment Research and Demonstration Act of 1985.

Existing law, the Hazardous Waste Reduction, Recycling, and Treatment Research and Demonstration Act of 1985, declares that it is the intent of the Legislature to promote the research, development, and expeditious demonstration of technologies which have the potential to reduce, recycle, and treat hazardous waste. Existing law requires the State Department of Health Services to establish a Hazardous Waste Technologies, Research, Development, and Demonstration Program, consisting of specified elements.

This bill would require the department, pursuant to that program, to provide grants, based on specified criteria, to local governments for the development of local hazardous waste reduction programs which provide technical assistance to generators of hazardous waste.

The bill would require that the grants be used for identification of the most significant hazardous waste streams, education concerning the concepts of hazardous waste reduction, dissemination of information on best demonstrated available technologies, waste stream-specific and process-specific waste reduction audits, and other innovative methods to bring waste reduction practices to the attention of businesses. The bill would declare the intention of the Legislature concerning the funding for the grants. The bill would make inoperative the requirement for the provision of grants on July 1, 1994, and would repeal this provision on January 1, 1995.

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Ch. 1011 (AB 4013) Burton Juveniles.

Existing law provides for the Aid to Families with Dependent Children (AFDC) program, pursuant to which eligible persons are provided with cash and other types of assistance. The AFDC program is administered by the counties and is partially funded by both the counties and the federal government. Existing federal and state law provides that an applicant or recipient is ineligible for aid if the combined value of resources exceeds $1,000, but excludes as a resource a home and one automobile, the value of which does not exceed the amount prescribed Income earned under certain programs may be exempted from the resource determination under federal law.

This bill would permit a child declared a ward or dependent child of the juvenile court, who is age 16 years or older, and who is a participant in the Independent Living Program established under federal law to retain any cash savings accumulated as part of that child's program case plan that is deposited by or on behalf of the child in an insured bank or savings and loan institution and for the child's use for purposes directly related to emancipation Withdrawal of these funds would require the written approval of the child's probation officer or social worker and would be required to be directly related to the goal of emancipation.

Existing law permits the State Department of Social Services to exercise the options of disregarding the earned income of a dependent child derived from participation in specified programs in determining eligibility for public assistance.

This bill would, in addition, permit the department to disregard the earned income of a dependent child derived from participation in the Independent Living Program, if certain criteria are met.

This bill would impose a state-mandated local program since the number of persons eligible to receive AFDC payments would increase and counties would also be required to make additional eligibility determinations.

Existing law makes a continuing appropriation from the General Fund to each county for the support and maintenance of families and children.

By revising eligibility standards in allowing a child to remain eligible for AFDC benefits and thereby increasing the pool of potential AFDC recipients, this bill would increase the amount of funds continuously appropriated to the counties, thereby constituting an appropriation.

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

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund

Ch 1012 (SB 1876) McCorquodale. Vehicles compliance: sales

Under existing law, no dealer may sell any vehicle not in compliance with the Vehicle Code or the regulations of the Department of the California Highway Patrol, and no owner may sell or offer or deliver for sale to the ultimate purchaser or any subsequent purchaser any vehicle that does not comply with specified air pollution requirements, unless the vehicle is sold to a dealer or sold for the purpose of being wrecked or dismantled.

This bill would limit that exemption to sales for the purpose of being legally wrecked or dismantled, and, would, in addition, exempt sales by a dismantler after the vehicle is reported for dismantling, as specified, and sales by a salvage pool after obtaining a salvage certificate, as specified.

Ch 1013 (SB 2010) L. Greene. Mobilehome parks: rent control.

Under existing law, a mobilehome park space rental agreement meeting specified criteria is exempt from local rent controls

This bill would specify that a mobilehome park shall not be charged a fee under a local

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rent control measure or to defray the cost of administration thereof, with respect to any space for which the rental agreement is exempt from local rent controls. The bill would also specify that, in the absence of an express provision in a rental agreement to the contrary, fees and charges for specified utility services to or for a mobilehome park space shall not be deemed included in the rent for the space. The bill would specify that, if these fees and charges are separately charged as authorized by the bill, they shall not be considered as rent under the rental agreement or for purposes of local rent control measures if, when these fees or charges are first separately billed, the rent charged under the rental agreement or the base rent under a local rent control measure are reduced commensurately.

The bill would incorporate additional changes in Section 798.17 of the Civil Code proposed by SB 2009, to be operative only if SB 2009 and this bill are both chaptered and become effective January 1, 1991, and this bill is chaptered last.

Ch. 1014 (SB 2519) Lockyer. Transportation: carriers: Metropolitan Transportation Commission.

(1) Existing law requires every railroad corporation, passenger stage corporation, passenger air carrier, and street railroad corporation providing departures originating in this state to provide contiguous designated space of not less than 50% of the seats for their nonsmoking passengers.

This bill would instead require those carriers to prohibit the smoking of any tobacco product in the passenger seating area of their conveyances. Since under existing law, any violation of the Public Utilities Act by a public utility is a crime, this bill would impose a state-mandated local program by creating a new crime.

(2) Existing law makes it unlawful for a charter-party carrier of passengers to conduct any operations as a carrier after the cancellation or revocation of a permit or certificate, or during the period of its suspension.

This bill would additionally make it unlawful for a charter-party carrier of passengers to operate as such after the expiration of its permit or certificate.

(3) Existing law authorizes the Metropolitan Transportation Commission to set aside interest earned on the amount set aside for apportionment to a transit operator.

This bill would impose a state-mandated local program by requiring the commission to set aside that interest and requiring the set-aside interest to be included in the operator's apportionment.

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

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

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

Ch. 1015 (SB 2525) Vuich. Repossessors.

Existing law provides for the licensing and regulation of repossession agencies and their employees by the Bureau of Collection and Investigative Services. The law requires each repossession agency to be managed or controlled by a person who is registered as a qualified manager with the bureau.

This bill would (1) provide that an assignment for purpose of recovering personal property sold under a security agreement, means an authorization by the lessee, in addition to the legal owner, lienholder, or lessor, and that an assignment also includes an authorization by a registered owner to recover personal property registered under the Vehicle Code where there is or was an employer-employee relationship between the registered owner and the possessor of the property, (2) empower superior courts to enjoin unlicensed repossession agency activity and to impose civil fines, as specified, (3) increase the experience requirement for a qualification certificate from one year to 2 years of lawful experience for those applying on or after January 1, 1992, (4) increase

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the time in which an applicant has to file with the bureau in order that he or she may be eligible for examination to not later than 30 days rather than 20 days prior to the next scheduled examination, (5) provide that employees of a multiple licensee, as defined, need only file one application for registration for each multiple licensee and would make related changes, and (6) exempt employees of a licensee who engage exclusively in in-office skiptracing from registration.

The bill in providing for the imposition of civil fines would authorize the Attorney General, among others, to collect and deposit the fines into the Private Investigator Fund, which is continuously appropriated. The bill would thus make an appropriation.

Existing law requires the registration of certain employees of repossessors. Under existing law, until the registration certificate is issued or denied, an employee may be assigned to work with a temporary registration which has been embossed by the bureau with the state seal for a period not to exceed 90 days from the date employment commenced.

This bill would also permit certain employees who were registrants of a licensed agency within the past 30 days to return to the agency and be assigned to work with a temporary registration issued by a certificate holder.

Existing law provides that an expired registration may not be renewed.

This bill would instead provide that a registration that is not renewed within one year after its registration may not be renewed, and would provide for a renewal fee for a renewal after expiration. Since the renewal fee would be deposited into the continuously appropriated Private Investigators Fund, the bill would make an appropriation.

Existing law requires licensees or officers, partners, qualified certificate holders, or employees of licensees to report certain judgments to the Chief of the Bureau of Collection and Investigative Services if the amount is over $500.

This bill would require those reports if the amount is over the small claims court limit.

Existing law requires an inventory to be provided for personal effects in property that is repossessed.

This bill would change applicable time periods. It would also revise time periods for a notice of seizure

Existing law authorizes administrative penalties to be imposed for recovering personal property before an authorization has been received from the legal owner.

This bill would permit an authorization to be obtained from a lienholder or lessor

Existing law authorizes administrative fines for a failure to notify of a change of address, which fine is $15 for a registrant.

This bill would increase the fine for a registrant to $25.

Ch. 1016 (SB 2782) Marks. Candidates: withdrawal: eligibility.

Existing law provides that a candidate for the board of a school district or community college may withdraw his or her declaration of candidacy until 5 p.m. on the 88th day before the election and that if an incumbent member of a school district or community college district governing board or board of education does not file a declaration of candidacy by 5 p.m. of the 88th day before the election, any person other than the incumbent may file a declaration of candidacy until 5 p.m. on the 83rd day before the election

This bill would provide that, where the incumbent does not file, any candidate whose declaration of candidacy has been filed may withdraw until 5 p.m on the 83rd day before the election.

Existing law provides that a candidate for an elected city office may withdraw his or her nomination papers until 5 p.m. on the 68th day before the election and that if an incumbent city officer does not file nomination papers by 5 p.m. of the 68th day before the election, another person may be nominated until 5 p.m. of the 63rd day before the election.

This bill would provide that, if the incumbent does not file, a candidate may withdraw his or her nomination paper until 5 p.m on the 63rd day before the election.

Existing law provides that a candidate for elective office of a district may withdraw his or her declaration of candidacy until 5 p.m. on the 88th day before the election and that if an incumbent elective officer of a district does not file a declaration of candidacy

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by 5 p.m. on the 88th day before the general district election, any person other than the incumbent may file a declaration of candidacy until 5 p.m. on the 83rd day before the election.

This bill would provide that if the incumbent does not file, a candidate may withdraw his or her declaration of candidacy until 5 p.m on the 83rd day before the election.

Ch. 1017 (AB 775) Eaves. Urban open-space and recreation programs regional park districts.

(1) Existing provisions of the Roberti-Z'berg-Harris Urban Open-Space and Recreation Program Act required the Department of Parks and Recreation to coordinate and conduct a statewide needs analysis with respect to the act, and to make a final report and recommendations to the Legislature on or before December 31, 1977

This bill would authorize the department, from time to time as needed, to coordinate and conduct a statewide needs analysis with respect to the act and to report findings and recommendations from any analysis to the Legislature.

(2) Under existing law, a regional park district, regional park and open-space district, or regional open-space district may only be formed upon presentation of a petition, among other things, signed by at least 5,000 residents, to the board of supervisors of the county containing the largest area within the proposed district. Upon receipt of the petition, the board of supervisors is required to hold a hearing, pass a resolution approving or denying a petition, and call an election if the petition is approved, to approve or disapprove the district and to elect district directors. Existing law authorizes the board of directors of a district to make assessments.

This bill would permit proceedings for the formation of a regional park and open-space or regional open-space district in San Bernardino County to be initiated by resolution of the county board of supervisors adopted after a noticed hearing. The bill would specify the contents of the resolution, including a requirement to call an election, as prescribed. The bill would prescribe related powers and duties of the regional district, if created and established, including requirements applicable to any assessment levied by the district. The bill would make legislative findings and declarations concerning the need for a special statute

Ch 1018 (AB 2259) Bentley. Corporations short-form mergers.

Under existing law, if a domestic corporation owns all the outstanding shares of a corporation the merger of the subsidiary corporation into the parent corporation may be effected by a resolution adopted by the board of the parent corporation and the filing of a certificate of ownership, as specified. If a domestic corporation owns at least 90% of the outstanding shares of each class of a corporation, the merger may be effected by a resolution, as specified, adopted by the board of the parent and each subsidiary corporation and the filing of a certificate of ownership, as specified. Existing law requires that the resolution of the board of each subsidiary corporation approve the fairness of the consideration to be received for each share of the subsidiary corporation not owned by the parent corporation

This bill would provide that in addition to a subsidiary corporation merging into its parent, the parent corporation may merge into its subsidiary corporation. The bill would permit the merger to be effected by the use of a plan of merger in addition to a resolution although in both cases board approval would be as specified.

The bill would also require in the merger of the parent corporation into its subsidiary that the resolution or plan of merger provide for the pro rata conversion of the outstanding shares of the parent corporation into shares of the surviving subsidiary corporation. Additionally, if the merger of the parent corporation into its subsidiary corporation would otherwise constitute a merger reorganization, as defined, requiring approval by the outstanding shares of any class of the parent corporation, as specified, then the principal terms of the resolution or plan of merger must be approved by the outstanding shares of that same class of the parent corporation.

This bill would permit, in a merger agreement between a parent corporation and its subsidiary corporation where certain share ownership requirements are met, the agreement of merger to be filed as a plan of merger with a certificate of ownership, as

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specified, or filed in accordance with specified provisions.

Existing law provides that if the approval of the outstanding shares of a corporation is required for a reorganization, as specified, each shareholder of the corporation entitled to vote on the transaction and each shareholder of a disappearing corporation in a short-form merger may require the shareholder's corporation to purchase his or her shares for cash, as specified.

This bill would change the reference from disappearing corporation to a subsidiary corporation.

Ch. 1019 (AB 2544) Tanner Clinical laboratories.

Existing law prohibits any person licensed under the healing arts division of the Business and Professions Code, or under any initiative act referred to in that division, or any clinical laboratory from charging, billing, or soliciting any patient for any clinical laboratory service not actually rendered by that person or clinical laboratory unless the patient is apprised at the time of the 1st charging, billing, or solicitation of the name, address, and charge of the clinical laboratory performing the service.

This bill would make it a misdemeanor for any person licensed under those provisions to charge, bill, or otherwise solicit payment for cytologic services relating to the examination of gynecologic slides if those services are not actually rendered by that person or under his or her direct supervision. The bill thus would impose a state-mandated local program by adding a new crime.

Existing law requires an application for the renewal of a cytotechnologist license to be filed not less than 30 days prior to the expiration date.

This bill would provide that if the renewal fee is not paid during the 30 days prior to the expiration date, the license shall expire on the expiration date, as specified, and would provide for the reinstatement of the license without completion of a competency testing program if the licensee makes a request for reinstatement within 60 days after the expiration date and pays a fee, as specified.

Existing law requires each clinical laboratory to staff one full-time equivalent cytotechnologist for each 19,200 gynecologic slides examined per 12-month period.

This bill would delete that requirement.

Existing law requires 10% of the negative or normal slides examined by each cytotechnologist employed by a clinical laboratory to be rescreened by a cytotechnologist or supervising cytotechnologist other than the original examiner.

This bill would require that rescreening to be done at least weekly.

Existing law requires the State Department of Health Services to, on or before January 1, 1991, develop or adopt a proficiency testing program for laboratories providing cytology services, as specified

This bill would extend that date to January 1, 1992.

Existing law specifies the grounds for the State Department of Health Services to deny, suspend, or revoke a license issued pursuant to provisions regulating clinical laboratories, including, among other things, the rendering of a report on clinical laboratory work actually performed in another clinical laboratory without clearly designating the name of the laboratory in which the test was performed

This bill would also require the address of the laboratory in which the test was performed to be designated in the report.

Existing law requires the State Department of Health Services to report to the Legislature by January 1, 1991, concerning state costs associated with testing programs for cytotechnologists and laboratories providing cytology services, as specified.

This bill would extend that date to January 1, 1992.

The bill would make other technical and conforming changes.

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

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

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Ch. 1020 (AB 2682) Moore. Attorneys: fee and cost arbitration.

Existing law requires the Board of Governors of the State Bar to establish, maintain, and administer a system and procedure for the arbitration of disputes concerning fees, costs, or both, charged for professional services by members of the State Bar or by members of the bar of other jurisdictions. Existing law requires the board to allow arbitration of attorney fee and cost disputes to proceed under arbitration systems sponsored by local bar associations in this state. Existing law provides that the board may allow one lay member of any arbitration panel of 3 members.

This bill would provide that if the panel consists of 3 members, one of the members would be required to be an attorney whose area of practice is either, at the option of the client, civil or criminal law, and one member would be required to be a lay member. It would provide that if the panel consists of one member, that member would be required to be an attorney whose area of practice is either, at the option of the client, civil or criminal law.

This bill would incorporate additional changes in Section 6200 of the Business and Professions Code, proposed by SB 2066, to become operative only if SB 2066 and this bill are both chaptered and become effective January 1, 1991, and this bill is chaptered last.

Ch. 1021 (AB 2698) Floyd. Insurance.

Existing law provides for the regulation of home protection contracts by the Department of Insurance. Under existing law, the home protection contract fee is the fee established for coverage extending one year from the effective date of the contract, but where initial coverage is in excess of one year, the fee is the annual fee plus a separately stated pro rata portion of the annual fee for the period of coverage which exceeds one year. Existing law requires home protection companies to maintain a reserve for unearned premiums of at least 40% of the premiums charged on contracts currently in force, but for contracts of more than one year, the reserve must include 100% of the pro rata portion of the contract fee attributable to the coverage in excess of one year.

This bill would provide that a home protection company which was licensed as such on December 31, 1988, and as of that date was a franchisor of real estate brokers that are authorized to solicit, negotiate, or effect home protection contracts, or a parent, subsidiary, or affiliate of such a franchisor, and remains such an entity, may provide coverage for a listing period, and is exempt from the above-mentioned requirements relating to a separately stated pro rata portion of the annual fee for a period in excess of one year, and reserves for unearned premiums applicable to the listing period coverage

Ch. 1022 (AB 3039) Floyd. Elevators: permits.

(1) Existing law prohibits an elevator from being operated in this state unless a permit for its operation is issued by the Division of Occupational Safety and Health, and unless the permit remains in effect and is kept posted conspicuously in the elevator car. Existing law also permits the division to fix and collect fees for field consultations regarding elevators as it deems necessary to cover the actual costs of the time spent in the consultation by division safety engineers, including administrative expenses.

This bill would provide that operation of an elevator without a permit or failure to post the permit conspicuously shall constitute cause for the division to prohibit use of the elevator, unless it can be shown that a request for renewal of a permit has been made and the request has not been acted upon by the division.

(2) Existing law requires the division to fix and collect specified fees for inspection of elevators, and requires an owner or operator of an elevator who fails to pay required fees within 60 days after notification to pay a specified penalty.

This bill would provide that failure to pay these fees within the time limit would also constitute cause for the division to prohibit use of the elevator.

(3) This bill would also permit the division to assess a civil penalty of up to $1,000 against any specified person who operates an elevator without a permit or who fails to conspicuously post the permit in the elevator car, and would permit the division to assess a civil penalty of up to $2,000 against any specified person who operates or permits the operation of an elevator in a condition that is dangerous to the life or safety of any

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person, or who operates or permits the operation of the elevator in violation of an order prohibiting use.

(4) This bill would require the division to enforce these penalty provisions by issuance of a citation and notice of civil penalty in accordance with specified provisions of law, and would provide for appeals procedures regarding these citations and penalties.

(5) The bill, in addition, would provide procedures to permit the person owning or having custody, management, or operation of the elevator to contest the validity of the issuance of an order prohibiting use

Ch. 1023 (AB 3073) Woodruff. Small Business Development Corporations.

Existing law, the Small Business Corporation Law, provides for the economic development of small businesses in this state, as specified.

This bill would revise and recast provisions of that law and would, among other things, (1) require the Small Business Development Board to review certain yearly contracts, (2) repeal and reenact, as revised, provisions relating to suspension of corporate powers and withdrawal of state funds from a small business development corporation, as specified, (3) revise provisions relating to the state's residual interest in corporate funds, (4) delete a requirement of 10 days' written notice for suspension of the corporation and require board approval of that action, and (5) reinstate provisions relating to a small business information network.

The bill would make other technical and clarifying changes.

Existing law, the California Competitive Technology Program, among other things, provides for the creation of the California Competitive Technology Fund in the State Treasury to be appropriated and allocated, as specified

This bill would specifically allow moneys in the fund to be continuously appropriated for the purposes of the Office of Competitive Technology, the Competitive Technology Advisory Committee, and for the purposes for which moneys received by the fund were provided. Thus, this bill would make an appropriation by making the moneys in the fund available for new purposes.

This bill would also delete certain authorizations for the allocation of funds appropriated for the program.

Ch. 1024 (AB 3092) Leslie Employment Development Department release of information.

(1) Existing law provides that the Director of Employment Development shall permit use of information acquired by the department only for specified purposes In addition, existing law provides that all state, county, and local agencies shall cooperate in enforcement of child support obligations and related matters by supplying information to specified departments and agencies, unless the state, county, or local agency is required by law to keep the information confidential

This bill would specify that the director shall also permit information obtained by the Employment Development Department to be used by specified federal and state agencies for child support enforcement purposes.

(2) Existing law requires the Employment Development Department to deduct and withhold support obligations from any unemployment compensation payment or unemployment compensation disability payment payable to an individual who owes these obligations. Existing law further provides that any amount deducted and withheld from these payments shall be paid by the department to the appropriate county through the State Department of Social Services.

This bill would instead require that these payments be made by the department directly to the appropriate county or the State Department of Social Services as the assigned payee as stipulated by mutual agreement in the interagency agreement between the department and the State Department of Social Services.

This bill would also incorporate additional changes in Section 1095 of the Unemployment Insurance Code, proposed by SB 2053, to be operative only if SB 2053 and this bill are both chaptered and become effective January 1, 1991, and this bill is chaptered last.

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Ch. 1025 (AB 3121) Costa. Recreational trails: San Joaquin River Parkway.

Under existing law, the Director of Parks and Recreation is required to cause to be prepared, and continuously maintained, a comprehensive plan for the development and operation of a statewide system of recreational trails. Existing law (Chapter 1241 of the Statutes of 1989), among other things, appropriated $500,000 from the California Environmental License Plate Fund to the Department of Parks and Recreation for the Millerton Lake State Recreation Area and Lost Lake Recreation Area and for environmental studies for the San Joaquin Parkway general plan.

This bill would authorize the department to convene a planning task force, as specified, in order to facilitate the development of a comprehensive plan for the San Joaquin River Parkway. The bill would require the plan to be submitted to the Legislature not later than June 1, 1991.

The bill would authorize the department to contract for the development of the plan and to expend up to $100,000 of the funds appropriated from the California Environmental License Plate Fund for environmental studies for the San Joaquin Parkway general plan for this purpose. The bill would authorize the department to expend any funds appropriated in the Budget Act of 1990 or any contributions for this purpose.

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

Ch. 1026 (AB 3148) Statham. State or local initiatives: circulators: compensation.

Existing law provides for the format of petitions with respect to initiatives, referenda, and other matters, at both the state and local level

This bill would provide that each petition shall contain, as specified, a notice that the petition may be circulated by either a paid signature gatherer or a volunteer and that members of the public have the right to inquire as to the circulator's status.

This bill would create a state-mandated local program by imposing misdemeanor penalties upon any person who, while circulating a state or local initiative petition, intentionally makes any false statement in response to the inquiry of any voter as to whether he or she is a paid signature gatherer or volunteer.

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

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

Ch. 1027 (AB 3319) McClintock. Public resources: state parks and historic places.

(1) Under existing law, the State Parks and Recreation Commission is required to classify units of the state park system into specified categories, to develop a general plan for each unit, and to schedule a public hearing to consider each classification or reclassification of a unit and each approval of the Department of Parks and Recreation's general plan for a unit.

Existing law requires these hearings to be held in, or within a radius of 100 miles of, the Cities of San Diego, Los Angeles, San Francisco, San Bernardino, Eureka, Redding, Fresno, or Sacramento, whichever is closest to the unit affected.

This bill would add the area within a radius of 100 miles of the Cities of Ukiah, Monterey, San Luis Obispo, and Santa Barbara to the list of meeting locations.

(2) Under existing law, copies of specified documents relating to proposed classification or reclassification of a unit, or approval of a general plan, are required to be made available to the public in each of the department's district offices.

This bill would require these documents to be made available at the department's appropriate regional and district offices.

(3) Existing law provides that the Cities of Eureka and Redding, and the area within a radius of 100 miles of each of these cities, shall each be considered a single location for hearings of the commission, and not more than one hearing may be held in those locations in any one year.

This bill would delete that provision.

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

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Ch. 1028 (AB 3328) Bates. Mental health: suicide prevention.

Existing law establishes a 5-year youth suicide prevention program, as specified, which is to be evaluated and reported upon to the Governor and the Legislature no later than July 1, 1991.

This bill would require the State Department of Mental Health to maintain this program until January 1, 1993, and would express the intent of the Legislature, if that evaluation of the program is satisfactory, to expand that program to address the needs of California's adult population in need of suicide intervention.

Ch. 1029 (AB 3420) Woodruff. Alcohol and drug abuse: runaway and homeless youths.

Existing law requires the State Department of Alcohol and Drug Programs to develop and implement, in partnership with counties, alcohol and drug prevention strategies especially designed for youth.

Existing law requires the Office of Criminal Justice Planning to administer 2 homeless youth projects in Los Angeles and San Francisco and requires those projects to provide food and access to overnight shelter, counseling, outreach services, screening for basic health needs, linkage to other services, long-term stabilization planning, and followup services, as specified.

The bill would require, to the extent funding is provided, a 2-year pilot project to be established by the homeless youth project established in the County of Los Angeles to operate an outreach program targeted at treating substance abuse problems of substance-dependent homeless youth, including juvenile prostitutes. The bill also would require the department, in consultation with the Office of Criminal Justice Planning, to develop guidelines for the scope of, and to oversee the management of, the pilot project, as specified

The bill also would require the department, in consultation with the Office of Criminal Justice Planning, to submit to the Legislature a written interim evaluation of the effectiveness of the pilot project, as specified, by July 1, 1992, and submit a written final evaluation thereof by June 1, 1993.

The bill would require the department, to the extent permitted by federal law, to enter into a contract in the amount of $200,000, utilizing unobligated federal funds, with the homeless youth project for the 1st year of operation of the pilot project commencing March 1, 1991. The bill would express legislative intent relating to funding the 2nd year of the pilot project The bill would require the pilot project to operate only until March 1, 1993

Ch. 1030 (AB 3460) Margolin Vital statistics: records: certified copies: fees.

(1) Existing law, until January 1, 1991, requires the State Registrar, the local registrar, county recorder, or county clerk to collect a fee of $2 from all applicants for certified copies of specified records regarding death, birth, marriage, and dissolution of marriage. Existing law also (a) authorizes the creation of a Vital and Health Statistics Trust Fund for specified purposes by the local public official charged with the collection of the $2 fee, and (b) requires $1 of each $2 fee to be deposited with the State Registrar in the State Vital Record Improvement Project Fund, and the remaining $1 to be deposited into the collecting agency's Vital and Health Statistics Trust Fund, if the local public official had established the fund or, if he or she has not, requires the entire $2 fee to be forwarded to the State Registrar.

The bill would extend the operation of the above provisions until January 1, 1992, thereby creating a state-mandated local program by expanding the duration of existing duties imposed on local agencies. The bill would require each county to submit a report by March 1, 1991, to the State Registrar containing specified information on the revenues so collected for the 1990 calendar year, thereby imposing a state-mandated local program.

The bill would revise the purposes for which moneys in each Vital and Health Statistics Trust Fund may be available, including authorizing the moneys to be used for the administrative costs of reporting on the revenues so collected and deleting the provision authorizing the moneys to be used for administrative and personnel costs.

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The deposit of a portion of the fees collected pursuant to the above with the State Registrar in the State Vital Record Improvement Project Fund would result in an increase in state revenues and would, therefore, constitute a change in a state tax pursuant to Section 3 of Article XIII A of the California Constitution which requires a ⅔ vote of each house of the Legislature.

(2) Under existing law, the State Director of Health Services also serves as the State Registrar of Vital Statistics. Existing law requires the State Registrar, local registrar, county clerk, or county recorder, upon request and payment of a fee, as specified, to provide a certified copy of the record of any birth, fetal death, death, marriage, or marriage dissolution registered with that official.

This bill would, until January 1, 1992, require any applicant for a certified copy of any of those records to pay an additional $1 fee to the State Registrar. This bill would require each local registrar, county recorder, or county clerk collecting this $1 fee to transmit the entire fee to the State Registrar, as specified, for deposit with the Treasurer for credit to the General Fund. This bill, by requiring these local officials to collect and transmit this fee, would impose a state-mandated local program In addition, the imposition of this fee would result in an increase in state revenues and would, therefore, constitute a change in a state tax pursuant to Section 3 of Article XIII A of the California Constitution which requires a ⅔ vote of each house of the Legislature.

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

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

However, the bill would provide that, if the Commission on State Mandates determines that this bill contains other costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

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

Ch. 1031 (AB 3486) Epple. Attempted murder: peace officers.

Existing law provides that the penalty for a defendant found guilty of murder in the first degree shall be death or confinement in the state prison for a term of life without the possibility of parole in any case in which the victim was a peace officer, as described, who, while engaged in the course of the performance of his or her duties, was intentionally killed, and the defendant knew or reasonably should have known that the victim was a peace officer engaged in the performance of his or her duties.

Existing law also provides that any person convicted of attempted murder in the first degree shall be punished by imprisonment in the state prison for life with the possibility of parole.

This bill would provide that, whenever a person is convicted of an attempted life term crime where the victim is a peace officer, as specified, while the peace officer was engaged in the performance of his or her duties, and the defendant knew or reasonably should have known that the victim was a peace officer engaged in the performance of his or her duties, that fact shall be considered a circumstance in aggravation of the crime in imposing a sentencing term, as specified.

Ch. 1032 (AB 3799) Johnston. Financial guaranty insurance.

Existing law provides for mortgage guaranty insurance and surety insurance.

This bill would delete certain insurance from the definition of surety insurance, would delete provisions governing municipal bond insurance, and would add a provision defining financial guaranty insurance.

This bill would define and regulate financial guaranty insurance as a separate class of insurance. Financial guaranty insurance would be defined as a guaranty under which loss is payable upon proof of a financial loss to an insured arising from certain types of transactions. It would prohibit the transaction of financial guaranty insurance except by

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an insurer admitted to transact financial guaranty insurance, except for certain transition provisions.

The bill would repeal provisions that provided for the regulation of municipal bond insurance.

The bill would impose filing fees for a certificate of authority to transact financial guaranty insurance which fees would be deposited into the continuously appropriated Insurance Fund, thus constituting an appropriation.

The bill would exempt financial guaranty insurance and credit insurance from insurance rate regulations added by Proposition 103 that require rate rollbacks, and that require rate approval prior to use, but would require rates to be filed before use, and would prohibit rates that are excessive, inadequate, unfairly discriminatory, or in violation of specified laws. The bill would apply to rates for credit insurance and financial guaranty insurance on and after January 1, 1988. It would thereby amend Proposition 103. Since Proposition 103 may be amended by the Legislature only to further its purposes and then only by a ⅔ vote of the Legislature, the bill would accordingly require a ⅔ vote.

Ch. 1033 (AB 3826) Hayden. Occupational safety and health: tower cranes.

(1) Existing law authorizes the Division of Occupational Safety and Health to administer all laws and lawful standards and orders, or special orders requiring the employment and place of employment to be safe, and requiring the protection of the life, safety, and health of every employee.

This bill would require the division to establish a safety inspection program for all tower cranes, employ designated safety engineers trained to inspect tower cranes and maintain sufficient personnel to conduct specified inspections.

(2) Existing law authorizes the division to require the issuance of a permit prior to the initiation of any practices, work, method, operation, or process of employment which, by its nature, involves a substantial risk of injury.

This bill would prohibit a tower crane from being operated at a worksite unless an employer obtains a permit from the division. It would further require the division to conduct an investigation for purposes of issuing a permit, to set a fee to be charged for these permits in an amount sufficient to cover the cost of funding, to promulgate specified regulations for the certification of certain tower cranes, and to assess penalties against the certificating agency, as defined, if certain conditions are met.

(3) This bill would establish specific criteria for licensure as a certifier, and would permit the division to collect fees for the examination and licensing of crane certifiers as necessary to cover the actual costs, including administrative costs. It would also make it a misdemeanor for a license certifier to fraudulently certify that a crane is in compliance with the division's safety criteria, and for an individual to engage in the certification of a crane if that individual is not a licensed certifier. The creation of these new crimes would impose a state-mandated local program

(4) This bill would also establish prescribed civil penalties for violations of crane safety standards, orders, and special orders.

(5) The bill, in addition, would permit the division to suspend or revoke the permits of crane employers for a specified period in certain circumstances, would require the division to prepare an annual report concerning revenues obtained from all funding sources and expenditures, and to file the report with the Legislative Analyst, the Joint Legislative Audit Committee, the Department of Finance, and the appropriate policy committees of the Legislature.

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

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

Ch. 1034 (AB 4059) Wyman. Air pollution: districts: powers.

(1) Existing law prescribes the powers of air pollution control districts and air quality management districts, and, under the Air Toxics "Hot Spots" Information and Assess-

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ment Act of 1987, facilities, as defined, are required to submit certain information to those districts.

This bill would authorize those districts to require any owner or operator of any air pollution emission source, except a noncommercial vehicular source, to describe the source and disclose data necessary to estimate emissions. Since violation of such a requirement would be a crime, the bill would impose a state-mandated local program.

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

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

Ch. 1035 (AB 4064) Epple. Financial institutions.

Existing law prohibits the sale of securities in the state unless the sale has been qualified by the Commissioner of Corporations or is exempt from qualification. Under statutory provisions that will take effect on January 1, 1991, specified transactions are exempt from qualification with the Commissioner of Corporations under the Corporate Securities Law of 1968 if the transaction is any exchange of securities incident to a merger, consolidation, or sale of corporate assets in consideration of the issuance of securities of another corporation, and if, among other things, the corporation to be acquired has 20 or fewer equity security holders, and other requirements are met.

This bill would revise that exemption by eliminating its applicability to consolidations, by requiring the exchanged securities to be one-class voting common stock, and by requiring the corporation to be acquired to have 20 or fewer security holders, all of which are equity security holders.

Existing law provides that, among other methods of qualification, a security for which a registration statement has been filed under a federal securities act may be qualified by coordination or it may be qualified by notification. Existing law permits the commissioner to issue a stop order denying effectiveness or suspending or revoking that qualification if, among other things, the order is in the public interest and the proposed plan of business of the issuer or the proposed issuance or sale of securities is not fair, just, or equitable, or the issuer does not intend to transact its business fairly and honestly, or the securities proposed to be issued or the method to be used in issuing them will tend to work a fraud upon the purchaser thereof.

This bill would provide that for the qualification of the sale of securities under those provisions which is not an underwritten offer of securities that the commissioner may issue a stop order denying effectiveness to, or suspending or revoking the effectiveness of, the qualification unless he or she finds that the stop order is not in the public interest and that the proposed plan of business of the applicant or the proposed issuance of securities is fair, just, and equitable, that the issuer intends to transact its business fairly and honestly, and that the securities that the issuer proposes to issue or the method to be used in issuing them are not such as will work a fraud upon the purchaser thereof.

Existing law provides for the regulation of banks by the Superintendent of Banks, for the regulation of savings associations by the Savings and Loan Commissioner, and for the regulation of credit unions and industrial loan companies by the Commissioner of Corporations. Existing law provides for various reports of violations of law by those supervisory officers.

This bill would require each of those supervisory officers to inform other supervisory officers and appropriate state and federal agencies of any enforcement actions, including, but not limited to, civil or criminal actions, cease and desist orders, license or authorization suspensions or revocations, or an open investigation. The bill would also provide for giving information to those other officers and agencies if it appears that a licensee is conducting its business in a fraudulent, unsafe, unsound, or injurious manner, or has suffered or will suffer substantial financial loss or damage, and the information is relevant to the regulatory activities of the other agency.

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Ch. 1036 (AB 4089) Cannella. Transit operators: paratransit and dial-a-ride services.

(1) Under existing law, transit operators are authorized to provide or contract for the provision of specialized transportation services to various segments of the population within their service areas, including services for handicapped persons.

This bill would require any transit operator, profit or nonprofit, which provides, or contracts for the provision of, dial-a-ride or paratransit service for handicapped persons, and which receives public funding for that service, to provide the service without regard to specified matters.

The bill would require any transit operator, profit or nonprofit, which requires identification from persons who, due to physical disability, use publicly funded dial-a-ride or paratransit services, to accept as sufficient identification a disabled person placard or disabled veteran placard issued by the Department of Motor Vehicles or a current identification card issued to handicapped persons by another transit operator.

The bill would prohibit a transportation planning agency or county transportation commission from allocating any funds to a transit operator not in compliance with these provisions. By imposing this requirement on transportation planning agencies and county transportation commissions, the bill would impose a state-mandated local program.

The bill would permit a handicapped person to request the Attorney General to resolve any dispute as to compliance with these provisions.

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

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

Ch. 1037 (AB 4186) Polanco. Fines and forfeitures: distribution.

Existing law prohibits driving, stopping, parking, or leaving standing any vehicle or animal upon the driveways, paths, parking facilities or grounds of designated agencies except with permission of, and subject to conditions or regulations adopted by, that agency.

This bill would include within that prohibition, property under the possession or control of a housing authority of a city or county, located within a county with a population of over 6 million people, thereby imposing a state-mandated local program by creating new crimes.

Existing law requires a court to transfer to the county treasurer all fines and forfeitures, including Vehicle Code fines and forfeitures collected upon conviction or upon the forfeiture of bail, together with moneys deposited as bail, in any municipal court or justice court, as soon as practicable after it is received. Existing law provides for the distribution of these moneys to the county general fund and specified city and county funds according to various schedules and provisions.

Existing law provides that, of the moneys deposited with the county treasurer, a specified percentage of fines and forfeitures collected during the preceding month upon the conviction of any person or upon the forfeiture of bail from any person arrested or notified by a peace officer of specified agencies for violations of specified offenses, is to be transferred monthly to that peace officer's employing agency or designated agency fund.

This bill would expand the above law to include the transfer to the housing authority of a city or county, located in a county with a population of over 6 million people, of an amount equal to 50% of all fines and forfeitures collected upon the conviction of, or the forfeiture of bail from any person arrested or notified by a peace officer with the housing authority of a city or county and charged with a violation of specified parking regulations applicable to parking upon property under the possession or control of the housing authority An amount equal to the remaining 50% would be transferred to the general fund of the county.

This bill would also specify a transfer to the housing authority of 50% of all fines and forfeitures collected pursuant to these provisions upon the conviction of, or the forfeiture of bail from any person arrested or notified by a peace officer with the housing

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authority and charged with a violation of specified driving offenses upon property under the possession or control of the housing authority. An amount equal to 42% would be transferred to the general fund of the city, and an amount equal to 8% would be transferred to the general fund of the county.

By requiring the county to account for those additional fines or forfeitures and make the transfer, the bill would impose a state-mandated local program.

This bill would make conforming changes to other provisions of law.

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

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

However, the bill would provide that if the Commission on State Mandates determines that this bill contains other costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 1038 (AB 4206) Harris. State Department of Alcohol and Drug Programs.

Existing law requires that there be a single state appropriation from the Budget Act to the State Department of Alcohol and Drug Programs to fund programs and services to alleviate problems related to inappropriate alcohol use. Existing law provides a funding formula for all services specified in approved county drug program plans.

This bill would provide that if the state receives additional funds from the federal government for both of these purposes after the enactment of the Budget Act, which funds may be augmented by the Director of Finance to the appropriation in the Budget Act in accordance with the Budget Act, then the department shall determine the amount of those funds to be used for subvention to counties, and shall allocate that amount to counties with approved amended alcohol program plans and to counties with approved drug program plans, as defined, within 90 days of receipt of the additional funds, to support programs and services to alleviate drug- and alcohol-related problems, as prescribed. It would require the 90-day requirement to be waived if the 90-day period does not allow sufficient time for completion of the notification period pursuant to Section 28 of the Budget Act.

Ch 1039 (AB 4305) Farr Retirement: safety membership.

(1) The Public Employees' Retirement Law prescribes increased safety membership benefits for various law enforcement and firefighter personnel.

This bill would authorize the County of Monterey to include specified county parks department employees within the safety membership benefits. This authorization would impose state-reimbursable, state-mandated local negotiating costs since its exercise would be subject to negotiation under existing law relating to local public employer-employee relations.

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

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 1040 (SB 240) B Greene. Enforcement of labor laws: Labor Commissioner.

Existing law authorizes the Labor Commissioner to investigate employee complaints and to provide for a hearing in any action to recover wages, penalties, and other demands for compensation and to determine all matters arising under his or her jurisdiction

This bill would provide that the prevailing party in a hearing shall be entitled to court

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costs and attorney fees for enforcing a judgment, require a judgment debtor to disclose the nature and location of any assets to the commissioner, and permit the division or the Labor Commissioner to amend an order, decision, or award to conform to the legal name of the business or person against whom a claim is brought, if certain conditions are met

Ch. 1041 (SB 577) Maddy. California Anti-Drug Superfund.

Proposition 129, if approved by the voters at the November 6, 1990, general election, among other things, would create the California Anti-Drug Superfund, which would be continuously appropriated. It would require the Controller to transfer specified amounts from the General Fund to the California Anti-Drug Superfund by various specified dates, commencing with a transfer of $102,000,000 on or before January 1, 1991.

This bill would specify with respect to transfers required to be made after January 1, 1991, that the Controller shall instead transfer those amounts as directed by the Legislature by statute. It would delete language providing that all money in the California Anti-Drug Superfund is continuously appropriated. It would provide that funds in the superfund, upon appropriation by the Legislature, are to be allocated for specified expenditures.

This bill would provide that the provisions of this bill shall become operative only if Proposition 129 is approved by the voters

Ch. 1042 (SB 677) Beverly. Sales and use tax: nonmonetized bullion and numismatic coins.

The existing California Sales and Use Tax Law exempts from the sales and use taxes until January 1, 1991, the gross receipts from the sales in bulk and use of nonmonetized gold and silver bullion and numismatic coins which are substantially equivalent to transactions in securities or commodities through a national securities or commodities exchange.

This bill would extend the duration of the exemption until January 1, 1994, and would make conforming technical, nonsubstantive changes.

Under existing law, counties and cities are authorized to impose local sales and use taxes in conformity with state sales and use taxes. Exemptions from state sales and use taxes enacted by the Legislature are automatically incorporated into the local taxes. Section 2230 of the Revenue and Taxation Code provides that the state will reimburse counties and cities for revenue losses caused by the enactment of sales and use tax exemptions.

This bill would provide that no appropriation is made and the state shall not reimburse local agencies for sales and use tax revenues lost by them pursuant to this bill.

This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect However, the provisions of this act shall become operative on the first day of the first calendar quarter commencing more than 90 days after the effective date of this act.

Ch 1043 (SB 785) Robbins Health plans

Existing law provides for the organization of various types of entities to provide health care coverage in return for a prepaid fee Among those entities are health care service plans, which are regulated by the Commissioner of Corporations, and nonprofit hospital service plans, which are regulated by the Insurance Commissioner. Under existing law, nonprofit hospital service plans are exempt from the law that is applicable to health care service plans.

This bill would provide that nonprofit hospital service plans are subject to regulation under certain provisions applicable to health care service plans, including regulations as to financial responsibility. The bill would provide, however, that the Insurance Commissioner retains authority as to those plans The bill would require nonprofit hospital service plans to apply to become health care service plans by September 30, 1991. The bill would establish fees applicable to nonprofit hospital service plans. These provisions would remain in effect until April 1, 1993, when they would be repealed.

Existing law imposes various fees on health care service plans.

This bill would increase these fees and assessment authority for a specified purpose

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Existing law requires health care service plans that reimburse noncontracting providers to maintain certain reserves or insurance.

This bill would require the funds to be maintained with the Commissioner of Corporations, and would impose related requirements.

Existing law requires health care service plans to have a fiscally sound operation and adequate provision against the risk of insolvency.

This bill, in the event of insolvency of a health care service plan, including specialized plans, as specified, and upon order of the Commissioner of Corporations, would require any health care service plan that participated in the enrollment process with the insolvent health care service plan at the last regular enrollment period of a group to offer those group enrollees a 30-day enrollment period, with specified rates. It would require the Commissioner of Corporations to send a notice to the Insurance Commissioner. Under certain conditions, the bill would require the Commissioner of Corporations to allocate equitably the insolvent health care service plan's group contracts, and nongroup enrollees, among all health care service plans which operate within at least a portion of the service area of the insolvent health care service plan, with specified rates. The bill would require contracting providers to continue to provide service for a specified period.

The bill would also, upon order of the Insurance Commissioner, after receipt of the notice from the Commissioner of Corporations, as described above, require any insurer, nonprofit hospital service plan, and any other entity, other than a health care service plan, that participated in the enrollment process with the insolvent health care service plan at the last regular enrollment period of a group to offer those group enrollees a 30-day enrollment period, with specified rates, and would authorize sanctions for violations.

Ch. 1044 (SB 1703) Presley. Public contracts.

(1) Existing provisions of the State Contract Act authorize contracts for road projects to include early completion bonus provisions.

This bill would permit flood control project and specified water resource development contracts to include early completion bonus provisions.

(2) Under existing law, with specified exceptions based on the amount of the contract, state agencies entering into contracts for services to be rendered to the state are required to document the need for each contract on a form prescribed by the Department of General Services and transmit the form to the department for approval

Existing law also requires that for contracts for services, an evaluation of the contract be conducted by the contracting agency within 30 days of completion of the contract.

This bill would repeal those provisions.

(3) Existing law permits contracts under $50,000 which meet specified conditions to be exempt from requirements for approval by the Department of General Services. One of these conditions is that the agency establish written policies and procedures and a management system that will ensure the agency's contracting activities comply with applicable provisions of law.

This bill would, in addition, require that the agency have demonstrated the ability to carry out these policies and procedures and to implement the management system

(4) Under existing law, another of these conditions is that the agency conduct an annual internal audit of a contracting program every 3 years.

This bill would require the audit be conducted every 2 years.

The bill would also require state agencies to conduct a quality control review of the audit of contracting programs for contracts exempt from Department of General Services approval requirements

(5) Existing law requires state agencies to prepare quarterly and annual reports concerning consultant services contracts entered into by the agency.

This bill would instead require only that annual reports be compiled by each agency. Reports would be required to be issued within 30 working days of the close of each fiscal year. The Department of General Services would be required, within a specified period, to notify specified officials and legislative committees to which the reports are required to be given, of those state agencies that have not submitted the annual report.

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(6) Existing law requires each contractor to be advised that his or her performance will be evaluated.

Existing law requires each state agency to complete a post-evaluation for every consulting services contract executed by the agency.

This bill would require state agencies to use post-evaluation forms on all contracts totaling $5,000 or more.

The bill would require that post-evaluations be retained by the agency for 36 months if the contractor has performed unsatisfactorily. Copies would be sent to the contractor for response These documents would not be public records, however, other state agencies would be notified by the Department of General Services in specified circumstances. The bill would repeal requirements that a consulting services contract be entered into without prior completion of a preevaluation of the contractor.

(7) The bill would require the Auditor General to report annually, as specified, on the consultant services contracts entered into by major departments and, randomly, by 3 smaller state agencies.

(8) Existing law prescribes requirements for the Department of Transportation for contracting with, among others, private architects, engineers, surveyors, and planners.

This bill would make a legislative declaration that the process of evaluating and selecting consultants for specified projects undertaken in support of the Riverside County Transportation Improvement Plan, as specified, is consistent with those requirements of existing law. The bill would provide that the resultant numerically ranked list of consultants shall serve as the basis of negotiation and award of contracts by the department for 2 years from the operative date of these provisions.

(9) This bill would also make technical, nonsubstantive changes

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

Ch 1045 (SB 1839) Doolittle. Honey Lake Valley groundwater management.

Under existing law, the boundaries of the Honey Lake Valley Groundwater Management District, as established by the Honey Lake Valley Groundwater Basin Act, include all land in California overlying the Honey Lake Valley Groundwater Basin, as established in accordance with prescribed procedures. The initial boundaries of the district are required to be established by the board of directors of the district and the board is authorized to adjust the district's boundaries if specified conditions are met. Any ordinance adopted pursuant to the act is required to become effective within 30 days of adoption. Any County of Lassen employee is authorized to serve as an ex officio employee of the district and is authorized to perform, without additional compensation, the same duties for the district as for the county with the consent of the board of supervisors of the county and the board The district is authorized to enter into joint powers agreements to implement its powers and purposes as set forth in the act, including agreements with the State of Nevada and the County of Washoe.

This bill would specify the boundaries of the district. The bill would delete the provisions relating to the establishment of the initial boundaries of the district and the adjustment of those boundaries by the board.

The bill would provide that any ordinance adopted pursuant to the act is required to become effective 30 days after adoption. The bill would delete the authorization for a county employee to serve as an ex officio employee of the district to perform without additional compensation the same duties for the district as for the county.

The bill would authorize the district to enter into joint powers agreements with the County of Lassen and would require any joint powers agreements with the State of Nevada and the County of Washoe to include the County of Lassen

The bill would revise the factors the district may consider in adjusting any limitation or suspension of extraction imposed on district users to eliminate existing or threatened conditions of overdraft.

Ch 1046 (SB 2009) Craven Mobilehome parks rental agreements exempt from rent control.

Existing law authorizes mobilehome parks to offer rental agreements in excess of 12 months which are exempt from local rent control if the rental agreement and the

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manner of its offer meet certain criteria. Persons offered these rental agreements have the right to refuse them or to cancel them within 72 hours of their execution. Persons refusing such a rental agreement are under existing law entitled to a rental agreement of 12 months, or less at their option, upon the same terms offered in the rental agreement exempt from local rent controls, except for options to extend or renew. Existing law also requires any escrow, sale, or transfer agreement for a mobilehome in a mobilehome park to contain a copy of a rental agreement fully executed by the purchaser, or the purchaser acquires no rights of tenancy.

This bill would separately prescribe conditions for offering rental agreements exempt from local rent controls to homeowners or prospective homeowners in a mobilehome park, would specify conditions relating to the initial term, extension, and mandatory assignment of those agreements entered into on or after January 1, 1991, and would make technical and clarifying changes in the existing law. The bill would authorize mobilehome parks to make entry into such an agreement a prerequisite of tenancy for prospective homeowners.

The bill would incorporate additional changes in Section 798.17 of the Civil Code proposed by SB 2010, to be operative only if SB 2010 and this bill are both chaptered and become effective January 1, 1991, and this bill is chaptered last

Ch. 1047 (SB 2021) Alquist Radioactive waste: financial reports. compact surcharges.

(1) Existing law prohibits the State Department of Health Services from granting any license to receive radioactive waste from other persons for disposal on land unless specified requirements are met. A violation of the Radiation Control Law is a misdemeanor.

This bill would require the license designee to file periodic financial reports with the department, as directed by the department, which provide detailed information on past and projected expenditures for the development and operation of the low-level radioactive waste disposal site according to programmatic function, as specified, thereby imposing a state-mandated local program by creating a new crime. The bill would require the license designee to file reports with the department concerning the causes of cost overruns and underruns. The bill would make a statement of legislative intent.

(2) Existing law provides for the "Southwestern Low-Level Radioactive Waste Disposal Compact" for the regional management of low-level radioactive waste. The compact requires the Southwestern Low-Level Radioactive Waste Commission to establish a compact surcharge upon generators in the states which are party to the compact set by the state hosting the regional low-level waste disposal facility in an amount sufficient to fund the activities of the commission, a 3rd-party liability fund at the discretion of the host state, and a local government reimbursement fund. The host state is also required to ensure that the charges for disposal at the regional disposal facility are sufficient to pay for specified costs.

This bill would set the sum of these surcharges and charges at $29, $45, or $50, as specified, per cubic foot of low-level radioactive waste disposed of and would allocate ⅓ of the amount collected to the local government reimbursement fund and ⅔ for regulatory activities. The bill would specify the manner in which the money in the local government reimbursement fund may be expended and would require the commission to annually report on the disbursement of these funds. The bill would prohibit the use of these funds for 3rd-party liability or for specified closure activities. The bill would require the operator of the disposal facility to collect and transmit the surcharge monthly to the host state, thereby imposing a state-mandated local program by creating a new crime pursuant to other provisions of law.

The bill would repeal this provision on the effective date of the regulations adopted to implement the compact, or on January 1, 1993, whichever date is earlier.

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

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

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Ch. 1048 (SB 2186) Royce. Alcohol and drug programs.

(1) Under existing law, counties are authorized to appropriate and expend funds to establish county programs or to fund other programs deemed by the board of supervisors to be necessary to meet the social needs of the population of the county, and to contract with public or private agencies or individuals to operate programs which the board of supervisors determines will serve public purposes. Existing law authorizes the board of supervisors, in furtherance of any such program, to make available to a public agency, nonprofit corporation, or nonprofit association any real property of the county not needed for county purposes, to be used to carry out such programs, without complying with other provisions relating to leasing or granting the use of county property.

This bill would authorize the board of supervisors, in furtherance of any such program, to finance or assist in the financing of the acquisition or improvement of real property and furnishings to be owned or operated by a public agency, nonprofit corporation, or nonprofit association to carry out such programs, through a lease, installment sale, or other transaction, without complying with other provisions relating to acquiring, improving, leasing, or granting the use or otherwise disposing of county property.

(2) Under existing law, the State Department of Alcohol and Drug Programs and each county administer various alcohol and drug programs, and each county is required to have an alcohol program and a drug program plan approved by the department, as a condition of receiving an allocation of funds from the department.

Existing law generally prohibits funds obtained by counties pursuant to an approved alcohol or drug program plan from being used for capital construction.

This bill would require the department to coordinate and administer waiver applications for capital construction and rehabilitation of alcohol recovery facilities and drug treatment facilities under the federal Anti-Drug Abuse Act of 1988. This bill would require the department to give priority to those programs which use the federal funds to make the facilities accessible to persons with disabilities or to modify or improve facilities that are already accessible. It would make other conforming changes.

The bill would require the department to require a county to match $1 cash for $1 cash of those federal funds, either from county general or private nonprofit organization funds

This bill would authorize the department to implement a program for the establishment of group homes for alcohol and drug abusers as provided for in federal law. The department would be authorized to establish the Resident-Run Housing Revolving Fund, to provide loans to group resident-run homes in conformance with federal statutes and regulations. This bill would require any program for the purpose of making loans to group resident run homes to be a part of the fund. This bill would require the transfer of the unencumbered balances in appropriations for current programs to the fund and would appropriate that amount for expenditure during the 1990–91 fiscal year. It would prescribe that appropriations for subsequent fiscal years be provided in the annual Budget Act. This bill would require all loan payments from previous loans to be deposited in the fund, as well as all future collections. It would require the fund to be invested in the Pooled Money Investment Fund with interest earned to accrue to the revolving fund to be made available for future loans.

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

Ch. 1049 (SB 2233) Presley. Foster care.

Existing law provides for the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, through which qualified children in foster care are provided assistance for specified needs The AFDC-FC program is administered and partially funded by counties and is administered pursuant to regulations adopted by the State Department of Social Services. Under the AFDC-FC program, foster care providers are reimbursed as determined in accordance with statutory calculations.

Under existing law, commencing July 1, 1990, a standardized system of rates is to be phased in for payment of group home providers based on rate classification levels. A group home which incorporates certain performance standards developed by the county of placement, and meets other specified requirements, is eligible for specific rates.

This bill would provide that, effective July 1, 1995, these group homes would instead

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be required to meet generally applicable performance standards designed pursuant to a specified provision of law.

Existing law requires the department, in consultation with group home providers and the counties, to evaluate the feasibility of implementing a system of outcome measures for group homes and to report to the Legislature by July 1, 1996.

This bill would repeal this provision.

Existing law requires the department to develop a Level of Care Assessment Instrument by July 1, 1990.

This bill would require the department to adopt regulations requiring the use of this instrument to determine the appropriate placement of children in out-of-home care, and to ensure that rates paid to group home providers are consistent with the needs of the children they accept for placement. The department would be allowed to specify, in the regulations, the conditions under which rates could be adjusted

Existing law requires the department, by July 1, 1993, with the advice and assistance of the County Welfare Directors Association, the Chief Probation Officers Association, and foster care providers, to develop performance standards and outcome measures for determining the appropriateness of out-of-home care placements made under the AFDC-FC program and for the effective and efficient administration of the AFDC-FC program These performance standards link county administration of the AFDC-FC program to the state funding of the AFDC-FC program.

Existing law contains various reporting and implementation requirements related to these performance standards and outcome measures.

This bill would add the California Conference of Mental Health Directors to the list of groups from which the department is to obtain advice and assistance about these appropriateness standards and outcome measures, and would, in addition, require the department, in consultation with group home providers, the County Welfare Directors' Association, the Chief Probation Officers' Association, and the California Conference of Local Mental Health Directors, to develop performance standards and outcome measures for determining the effectiveness of the care and supervision provided by group homes under the AFDC-FC program. These standards would be required to be linked to state reimbursement for group home provider costs. The bill would further provide that these performance standards and outcome measures shall be designed to measure specified areas, including, under specified circumstances, the delivery by group home providers of specified additional services

The bill would require that the department adopt regulations regarding implementation no later than one year prior to implementation, and submit a report, by January 1, 1994, regarding these additional performance standards and outcome measures. The bill would provide that any group home that does not meet the standards, beginning July 1, 1995, would have its AFDC-FC rates adjusted pursuant to these regulations. In addition, this bill would require that these standards and outcome measures for group home foster care placement effectiveness not be implemented until the performance standards and outcome measures for appropriateness of out-of-home placements are implemented.

This bill would also make some technical changes.

Ch. 1050 (SB 2293) Watson. Family day care homes· liability insurance.

Existing law requires a family day care home to maintain liability insurance, or a bond, or a file of affidavits signed by each parent of a child enrolled in the home, as specified. Existing law requires the affidavits to state that the parent has been informed that the home does not carry liability insurance or a bond according to state standards. Existing law provides that violation of these provisions is a misdemeanor.

This bill would also require the affidavits to state, if the provider does not own the premises used as the home, that the parent has been informed that the liability insurance of the owner of the property or the homeowners' association, as defined, may not provide coverage for losses arising out of, or in connection with, the operation of the home, except as specified.

This bill would require a home that maintains liability insurance or a bond, and provides care in premises that are rented or leased, or that share common space gov-

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erned by a homeowners' association, to name the owner of the property or the homeowners' association as an additional insured party on the liability insurance or bond, under certain conditions.

This bill would change the definition of a crime, thereby creating a state-mandated local program.

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

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

Ch. 1051 (SB 2323) Maddy. Health facilities.

(1) Under existing law, the Office of Statewide Health Planning and Development is required to adopt and enforce regulations prescribing building standards for the adequacy and safety of freestanding physical plants housing outpatient hospital services, but these building standards may not be more restrictive or comprehensive than comparable building standards established by the office for specified clinics.

This bill would also prohibit building standards adopted by the State Fire Marshal for those physical plants from being more restrictive or comprehensive than comparable standards established by the State Fire Marshal for specified clinics.

(2) Under existing law, the State Department of Health Services is prohibited from enforcing any licensing standard applicable to freestanding physical plants housing outpatient hospital services which is more restrictive or comprehensive than comparable licensing standards applicable to specified clinics.

This bill would also make this prohibition applicable to the building standards of the State Fire Marshal and the office, as described in paragraph (1).

(3) Under existing law, a hospital building is defined to exclude buildings in which outpatient clinic services are provided and which is separated from a building in which hospital services are provided. Under existing law, construction or alteration of those buildings is required to conform to the California Building Standards Code. The office is required to inspect those buildings.

This bill would instead define a hospital building to exclude a building in which outpatient clinical services of a health facility, as defined, are provided, and which is likewise separated from a building in which hospital services are provided. The bill would no longer require those buildings to conform to the California Building Standards Code or to be subject to review by the office, but instead would subject the buildings to local plan review and approval or construction inspection, thereby imposing a state-mandated local program. The bill would prohibit the building standards established or applied by a city, county, or city and county from being more restrictive or comprehensive than comparable building standards applied to clinics, as specified.

The bill would repeal those provisions on January 1, 1994, at which time the bill would require the above mentioned existing law to become law, except that the buildings would be required to conform only to the applicable provisions of the California Building Standards Code and except that the building standards for the buildings would be prohibited from being more restrictive or comprehensive than comparable building standards applied by the office to clinics, as specified.

The bill would declare the intent of the Legislature to permit an applicant who submitted an outpatient clinic service project for plan review to the office after January 1, 1990, but before the effective date of this bill, to withdraw the project from the office and resubmit the project to the local building jurisdiction for plan review.

(4) Under existing law, plans for any hospital building, as defined, are required to be submitted to the office. Existing law authorizes the office to exempt from the plan review process or expedite certain projects undertaken by an applicant for a hospital building which the office determines do not materially alter the mechanical, electrical, architectural, or structural integrity of the facility.

This bill would require the office, by January 1, 1991, to set forth and implement criteria for the alteration or construction of hospital buildings, which provide for onsite field review and preapproval of project plans which comply with the requirements for

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which the office has developed standard architectural or engineering detail, or both, as specified.

(5) Under existing law, the office is required to set forth and implement, by July 1, 1991, the criteria to exempt certain skilled nursing and intermediate care projects from plan review or to expedite those projects.

This bill would, instead, require the office to continue to implement, and modify as necessary, criteria which was initially developed and implemented prior to July 2, 1989, for this purpose.

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

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

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

Ch. 1052 (SB 2499) Presley. San Gorgonio Pass Water Agency.

Under existing law, the San Gorgonio Pass Water Agency is created within prescribed boundaries and governed under a special act of the Legislature.

This bill would authorize the agency to establish and impose, in accordance with prescribed procedures, a facility capacity fee, in the nature of a connection fee, for the right to make a new retail connection to water distribution systems served by the agency to finance specified capital costs, and would prescribe related matters.

The bill would declare legislative intent that, in allocating water received from the State Water Project, the highest priority shall be given to eliminating groundwater overdraft conditions.

The bill would specify that the maximum interest rate the agency may pay on bonds or notes may not exceed the higher of 8%, the maximum rate for municipal water district bonds, or the maximum rate generally prescribed by law for local agencies.

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

Ch. 1053 (SB 2516) Presley. Prisoners.

Existing law provides for designated procedures at all hearings by the Board of Prison Terms for the purpose of reviewing a prisoner's suitability, or the setting, postponing, or rescinding of parole dates.

Existing law requires that the board hear each case annually except, the board may schedule the next hearing no later than 2 years after any hearing at which parole is denied if the board finds it is not reasonable to expect that parole would be granted at a hearing during the following year and states the basis for the finding, or 3 years after any hearing at which parole is denied if the prisoner has been convicted of more than one offense which involves the taking of a life and the board makes those findings.

This bill would, in addition, permit the board to schedule the next hearing no later than 5 years after any hearing at which parole is denied if the prisoner has been convicted of more than 2 murders and the board makes specified findings.

This bill would also make this provision applicable only to offenses committed before July 1, 1977, or on or after January 1, 1991.

Ch. 1054 (SB 2774) Torres. Hazardous waste manifests.

(1) Existing law defines "manifest" to mean the Uniform Waste Manifest and requires any person producing a hazardous waste to provide the person who will transport the hazardous waste with an applicable manifest which is completed as required by the department. Existing law requires the producer to provide the manifest to the driver, or to the person designated by the railroad corporation or vessel operator, as applicable, and to send a copy of the manifest to the department within a specified time period. Existing law requires any person who transports hazardous waste to transfer a copy of

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the manifest to, among others, the person who is responsible for the disposal of the waste. Existing law requires any person who receives hazardous waste for disposal, which was transported with a manifest, to submit a copy of the manifest to the department within a specified time. Existing law requires the department to adopt and enforce all rules and regulations necessary to accomplish requirements relating to the manifest. A violation of hazardous waste control laws is a crime.

This bill would revise the definition of manifest to mean a shipping document originated and signed by a generator of hazardous waste, which contains all of the information required by the department and which complies with federal and state regulations. The bill would require any person generating hazardous waste which is transported, or submitted for transportation, for offsite handling, treatment, storage, disposal, or any combination thereof, to complete a manifest prior to the time the waste is transported or submitted for transportation, and to designate on the manifest the facility to which the waste is to be shipped. The bill would require the generator to use the standard California Uniform Hazardous Waste Manifest supplied by the department for all hazardous waste shipments, except as specified.

The bill would require any person generating a hazardous waste which is transported, or submitted for transportation, for offsite handling, treatment, storage, disposal, or any combination thereof, outside of the state, to complete a standard manifest, or the recipient state's manifest, and to sign and attach, as specified, a one-page out-of-state manifest cover form. Within 30 days after transporting hazardous waste, each generator of that hazardous waste would be required to submit to the department a legible copy of each manifest used. The bill would require any person transporting hazardous waste, as specified, to make a prescribed certification.

The bill would require any facility operator in the state who receives hazardous waste for handling, treatment, storage, disposal, or any combination thereof, which was transported with a manifest to submit a copy of the manifest to the department within a specified time. The bill would allow a facility operator to accept hazardous waste generated outside the state only if the waste is accompanied by a manifest.

Since a violation of the bill's requirements would be a crime pursuant to other provisions of law, the bill would impose a state-mandated local program by creating new crimes.

The bill would require the department to develop a specified data base and to submit an annual report to the Legislature, as prescribed.

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

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

Ch. 1055 (SB 2894) Alquist. Personal income taxes: bank and corporation taxes: credits: recycling equipment.

The existing Personal Income Tax Law and Bank and Corporation Tax Law provide, until January 1, 1994, a credit against the tax in an amount equal to a specified percentage, for each of 3 specified years, of the purchase price paid or incurred by the taxpayer for qualified property, which is defined, generally, as machinery or equipment used to manufacture finished products composed of a specified amount of secondary waste material and postconsumer waste. Those laws allow the credit only if the adjusted basis of the qualified property owned on the last day of the year for which the credit is claimed exceeds the adjusted basis of qualified property owned on the last day of the base year. In addition, those laws allow the credit only if the total number, or capacity to use recycled materials, of items of qualified property on the last day of the income or taxable year exceeds the total number or capacity of items of qualified property on the last day of the base year. The credit allowed may not exceed $250,000 with respect to qualified property used in any one manufacturing facility.

This bill would instead allow the credit only if the adjusted basis of the qualified property owned on the last day of the year exceeds the largest total adjusted basis of all qualified property owned at any one time during the base year. In addition, it would

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instead allow the credit only if the total capacity of qualified property to use recycled materials on the last day of the income or taxable year exceeds the total capacity of qualified property at any one time during the base year. It also would delete the $250,000 limit on the amount of credit per facility and would instead, limit the total cost of qualified property which may be claimed under the credit to a maximum of $625,000 per facility during the 5-year credit period and would make other technical changes.

This bill would take effect immediately as a tax levy.

Ch. 1056 (AB 3915) W. Brown. Jails: county matches for funding.

Existing law provides that the county match on projects funded under the County Correctional Facility Capital Expenditure Bond Act of 1986 and the County Correctional Facilities Capital Expenditure and Youth Facility Bond Act of 1988 for county jails shall be a minimum of 25% of the total project costs.

This bill would provide that the county match requirements for the City and County of San Francisco and the Counties of Alameda, San Benito, Santa Clara, and Santa Cruz need not be on a pro rata basis.

Ch. 1057 (AB 3609) Chandler. County bond fund.

Under existing law, expenditures shall be made from the 1988 County Correctional Facility Capital Expenditure and Youth Facility Bond Fund only if county matching funds of 25% are provided as determined by the Legislature.

The bill would provide that the county match requirement shall not be required to be made on a pro rata basis where that requirement would impede the expeditious and equitable construction of county correctional facilities, but under no circumstances shall the county match be less than 25%.

The bill would also set forth certain legislative findings.

Ch 1058 (AB 3099) N. Waters. California Asparagus Commission

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

This bill would create the California Asparagus Commission and would specify the powers, duties, and responsibilities of the commission in carrying out the provisions of the bill regarding asparagus which is grown in specified counties. The commission would be authorized to carry on programs of production, promotion, marketing, and research relating to asparagus. The bill would authorize the commission to levy an assessment, not to exceed a specified amount, according to the marketing year, on producers, as defined, and authorize the expenditure of those funds for purposes of carrying out those provisions, thereby making an appropriation.

The bill, except as necessary to conduct an election, would not become operative until the producers of asparagus, by referendum, vote in favor of the provisions which would be enacted by the bill, as prescribed. The bill would also provide for the suspension of its provisions and for concluding the operations of the commission. The bill would define various terms.

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

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

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

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

Ch. 1059 (AB 3996) Statham. California Film Commission.

Existing law establishes the California Film Commission, in the Department of Commerce, with a prescribed membership and duties, administered by a director.

This bill would require state agencies to submit proposed regulations, rules, written guidelines, or policies to the director at least 30 days prior to their adoption if the proposed regulations, rules, written guidelines, or policies would have clear, explicit, and

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definite implications for the production of motion pictures on state-owned property. The bill would require the commission to review and report its findings back to the submitting agency within 5 working days, as specified. The findings would be advisory.

The bill would also repeal provisions whereby the duties and jurisdiction of the former Motion Picture Council were transferred to the commission.

Ch. 1060 (AB 3000) Isenberg Insurance.

Existing law provides for the California Major Medical Insurance Program, which is administered by the Major Medical Insurance Board. Under existing law, the board administers a program to provide major medical coverage for subscribers or to contract with a participating health plan or plans to provide or administer major medical coverage.

This bill would change the name of the program to the California Major Risk Medical Insurance Program. The program would provide, or contract for the provision of, major risk medical insurance.

Existing law provides for the appointment of the Major Medical Insurance Board.

This bill would provide that the Secretary of the Business, Transportation, and Housing Agency is an ex officio nonvoting member of the board It would provide for the appointment of an executive director by the board. It would also provide that, until December 31, 1991, regulations adopted by the board shall be adopted as emergency regulations; this provision would then be repealed.

Under existing law, plan rates for major medical benefits are required to be adequate to pay anticipated costs when combined with program subsidies

This bill would require plan rates for major risk medical benefits to be adequate to pay anticipated costs, and would delete the reference to program subsidies.

The bill would require a physician advisory panel to reflect the types of delivery systems.

Existing law provides for a set required subscriber copayment and household deductible.

This bill would provide that copayments and deductibles be set by the Major Risk Medical Insurance Board.

The bill would specifically permit the board to permit dependents of eligible subscribers to enroll.

Under existing law, the program shall not provide coverage for certain preexisting conditions for the first 6 months of coverage.

This bill would provide that the board may permit the exclusion of coverage for certain preexisting conditions for the first 6 months of coverage

Under existing law, the contribution amounts are established at levels which, when subtracted from the average rate charged by participating health plans, will result in subscriber contributions of 125% of standard average individual rates

This bill would provide that contribution amounts shall be established at levels which, when subtracted from the average rate charged by participating health plans, will result in an average subscriber contribution of 125% of standard average individual rates.

Under existing law, no policies may be issued under the program until $30,000,000 has been deposited into the Major Medical Insurance Fund, and existing law provides that the money is to be deposited into the fund from specified sources.

This bill would delete that provision.

Under existing law, money in the fund is continuously appropriated to cover program expenses except that existing law provides that the Legislature shall annually appropriate money from the fund for administrative operation of the program.

This bill would instead provide that, from money appropriated by the Legislature to the fund, the board may expend sufficient funds for operating expenses incurred in carrying out the provisions of this part. Since the bill would authorize the expenditure of money in the fund for a new purpose, it would result in an appropriation.

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

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Ch. 1061 (SB 464) Robbins. Insurance.

Existing law provides that a certificate of authority to transact insurance shall not be issued to any insurer owned, operated, or controlled, directly or indirectly, by any other state, or province, district, territory, or nation, or any governmental subdivision or agency thereof.

This bill would provide that the ownership or financial control, in part, of an insurer by any other state, the United States, or by a foreign government or by any political subdivision or agency thereof, shall not restrict the commissioner from issuing, renewing, or continuing in effect the license of that insurer to transact in this state the kinds of insurance business for which that insurer is otherwise qualified under the provisions of existing law and under its charter provided the insurer has satisfied the commissioner that (1) it is not subject to any form of subsidy that would enable it to compete unfairly with domestic insurers, (2) it is not subject to governmental practices that discriminate on the basis of race, color, creed, or national origin, (3) the ownership will not create the presence of any sovereign immunity in the insurer, (4) appropriate measures and controls exist to avoid security problems resulting from an insurer's access to confidential information and data of its insured, and (5) the ownership or financial control will not result in substantial or undue influence being asserted over the insurer It would state that it is declaratory of existing law.

Ch. 1062 (SB 910) Vuich. Appraisers.

Existing law, the Lancaster-Montoya Appraisal Act, sets forth a comprehensive scheme for the regulation of real property appraisals.

AB 527 would provide for the licensing and regulation of real estate appraisers, as defined, and, among other things, creates the Office of Real Estate Appraisers within the Business, Transportation and Housing Agency to be administered by a director whose salary is to be fixed by the secretary of that agency with approval of the Director of Finance.

This bill would provide, instead, that the salary is to be fixed by the secretary with the approval of the Department of Personnel Administration.

AB 527 would provide that the Director of the Office of Real Estate Appraisers may adopt regulations.

This bill would provide that the Business, Transportation and Housing Agency, and, on and after January 1, 1991, the Director of the Office of Real Estate Appraisers may adopt regulations to implement the Real Estate Appraisers' Licensing and Certification Law, and would provide that those regulations may be adopted as emergency regulations, as specified.

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

Ch 1063 (SB 2797) Beverly. Industrial loan companies. capitalization

(1) Existing law, effective January 1, 1991, provides that no person may acquire in the aggregate 10% or more of the capital stock of, or the capital, that has voting power or control over the management of a holding company which controls an industrial loan company, or the capital that has potential voting power or potential control over the management of such a holding company, as specified, without the written consent of the Commissioner of Corporations.

(2) Existing law further provides that (a) prior to any person acquiring 10% or more of the capital stock of, or the capital of, such a holding company, or (b) prior to any person acquiring additional capital stock or capital of such a holding company which would result in an aggregate acquisition of 10% or more of the capital stock or that capital, that person shall make written application to the commissioner, as specified.

This bill would revise (1) above to provide that no person may acquire in the aggregate 10% or more of the capital stock or other securities that have voting power or control over the management of such a holding company. This bill would revise (2) above to refer to other securities that have voting power or control over the management of a holding company rather than the capital of a holding company and would provide that prior to any person acquiring 10% or more of the capital stock or other securities that have voting power or control over the management of such a holding

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company through the conversion of a security into another security, that person shall make written application to the commissioner, as specified. The bill would make related changes.

Ch 1064 (SB 379) Davis. Attorneys: State Bar study.

Existing provisions of the State Bar Act authorizes the State Bar to, among other things, take action that is expedient for the administration of its affairs and the attainment of its purposes.

This bill would authorize and request the State Bar of California to study the extent to which unlawful referrals, capping, and the unauthorized practice of law have undermined the delivery of legal services, and the impact of those practices, as specified. The bill would require any findings or recommendations to be submitted to the Legislature no later than December 31, 1992.

Ch. 1065 (SB 2753) Lockyer. Contracts: liquidated damages.

Existing law authorizes contracts of local entities for public projects to include liquidated damages provisions.

This bill would define public project for purposes of those provisions.

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

Ch. 1066 (AB 2625) Katz. Postsecondary educational institutions: parking facilities.

Under existing law, all revenues received by the Trustees of the California State University from parking facilities, to the extent not pledged in connection with bonds or notes issued pursuant to the State University Revenue Bond Act of 1947, are appropriated from the State University Parking Revenue Fund to the trustees for the acquisition, construction, operation, and maintenance of motor vehicle parking facilities on specified real property, and for the study of alternate methods of transportation for students and employees of the California State University.

This bill would make an appropriation by providing that all revenues received by the trustees from parking facilities, to the extent not pledged in connection with bonds or notes issued pursuant to the State University Revenue Bond Act of 1947, are appropriated to the trustees for the acquisition, construction, operation, and maintenance of motor vehicle parking facilities on specified real property and for the study, development, enhancement, operation, and maintenance of alternate methods of transportation for state university officers, students, and employees of the California State University. The bill would include alternative transportation programs within the definition of "project" for the purposes of the State University Revenue Bond Act of 1947.

The bill would authorize the trustees to allocate the funds for the construction of parking facilities for each of the California State University campuses only after programs incorporating alternate methods of transportation have been thoroughly investigated and considered, as determined by the alternative transportation committees of each campus and the trustees, in consultation with students and local government officials.

The bill would require the Trustees of the California State University and the Board of Governors of the California Community Colleges, and authorize the Regents of the University of California, to adopt rules and regulations prescribing requirements relating to parking exemptions for disabled persons, as specified. The additional duties imposed on community colleges would constitute a state-mandated local program.

The bill would state the intent of the Legislature that community college districts utilize the proceeds from parking fees charged to community college students and employees to offset costs incurred by these districts in accommodating disabled persons pursuant to the bill.

Existing law establishes procedures and formulas for the allocation to various local governmental entities of fines, penalties, and forfeitures of bail for various criminal offenses, including Vehicle Code violations. Existing law requires, among other things, that out of such moneys deposited with the county treasurer there shall be transferred monthly to the State Treasury, to the credit of the State University Parking Revenue

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Fund, an amount equal to 50% of all fines and forfeitures collected during the preceding month upon the conviction or forfeiture of bail from any person arrested or notified by a member of the state university police and charged with a parking violation or other vehicle offense. Existing law prohibits the use of funds credited to the State University Parking Revenue Fund to purchase land or construct any parking facility.

The bill would delete the prohibition against the use of funds credited to that fund to purchase land or to construct parking facilities.

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

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 1067 (SB 2343) Mello Housing: emergency shelter. [15]

Under existing law, the Department of Housing and Community Development is required to accept applications from local governmental agencies and nonprofit organizations for grants from the Natural Disaster Emergency Shelter Program to provide emergency shelter to persons who have been rendered homeless as a result of a natural disaster. Existing law permits grants awarded under this program to be used for, among other things, creation, acquisition, rehabilitation, or lease of temporary shelters, equipment of buildings and sites for use as emergency shelters. Existing law allocates $5,000,000 to the existing Emergency Housing and Assistance Fund for the purposes of the program

This bill would, instead, permit the grants awarded under this program to also be used for the creation of temporary shelters, equipment of buildings and sites for use as emergency shelters, and the installation of food preparation and serving facilities, if the department determines that contracting for the provision of meals to shelter residents, as defined, is not reasonable and economically feasible. By creating an additional purpose for which moneys in the fund may be expended, the bill would make an appropriation

The bill would also appropriate $100,000 to the County of Santa Cruz for purposes of funding a motel voucher program, as specified

The bill would make other technical, nonsubstantive changes to existing law by repealing certain duplicative code sections.

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

Ch. 1068 (AB 3603) Costa. San Joaquin River Management Program.

(1) Under existing law, the Legislature has declared that serious water quality problems exist along a specified portion of the San Joaquin River

This bill would create the San Joaquin River Management Program Advisory Council and the San Joaquin River Management Program Action Team, as specified. The bill would require the advisory council to develop the San Joaquin River Management Program, as prescribed, to identify actions which can be taken to benefit legitimate uses of the San Joaquin River system. The bill would require the Secretary of the Resources Agency to appoint, with the consent of the advisory council, a project manager to coordinate activities of the advisory council and the action team, would require the advisory council to submit annual reports to the Legislature, and would prescribe related matters.

The bill would make legislative findings and declarations.

The bill would remain in effect only until January 1, 1995.

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

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Ch. 1069 (SB 1186) Robbins. Appeals: reporter's transcript.

(1) Under existing law, sums payable on specified instruments of banking or financial organizations escheat to the state 3 years after issuance if the owner fails to correspond in writing with the banking or financial organization or otherwise indicate an interest in the instrument as shown in the records of the organization.

This bill would increase that escheat period from 3 years to 5 years.

(2) Under existing law, banking or financial organizations are required to give prescribed notice to customers at least 6 months before their deposits or other interests in the banking or financial organization escheat to the state. However, an exception exists for deposits and interests under $25. Under existing law, a banking or financial organization may assess a service charge for administrative costs in connection with this notice, but the service charge may not exceed $2 per notice.

This bill would require these notices to be given from 6 months to one year before escheat would occur and would extend the period for giving these notices until February 1, 1991, if the notice period prescribed by law would expire before that date.

(3) Existing law requires persons holding escheated property to report to the state. Except for life insurers or where postponed by the Controller, these reports are required to be submitted before November 1 next succeeding the fiscal year in which the property escheated.

This bill would extend the November 1, 1990, deadline for submitting these reports until April 1, 1991.

(4) Under existing law, escheated property need not be paid or delivered to the state until requested by the Controller.

This bill would instead specify that this property need not be paid or delivered to the state until the earlier of such a request by the Controller or one year after the final date for reporting the escheated property to the Controller.

(5) The bill would declare the intent that the bill and Chapter 450 of the Statutes of 1990 apply to property held by business associations and unclaimed for more than 3 years as of June 30, 1990.

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

Ch 1070 (SB 2251) Seymour. Acknowledgment of instruments: certificates of acknowledgment.

(1) Existing law contains numerous provisions governing the acknowledgment of an instrument by different entities and prescribes various forms for the acknowledgment of an instrument by those entities. Existing law also provides that proof of the execution of an instrument, when not acknowledged by an officer, may be made either by the party executing it, by a subscribing witness, or, in certain cases, by other witnesses. However, Chapter 335 of the Statutes of 1990 will, on January 1, 1991, delete the specific provisions governing the forms for the acknowledgment of an instrument executed by a corporation, partnership, public corporation, agency, or political subdivision of the State of California, or attorney in fact, and establish one form for general use for the acknowledgment of an instrument with the capacity of the person signing the document indicated at the signature point, and would make conforming changes to existing law.

This bill would provide that acknowledgments conforming to the existing law that will be repealed by Chapter 335 of the Statutes of 1990 and executed prior to January 1, 1992, have the same force and effect as if the existing law had not been repealed. The bill would revise the certificate of acknowledgment form proposed by Chapter 335 of the Statutes of 1990.

(2) Under existing law, which will be repealed by Chapter 335 of the Statutes of 1990 on January 1, 1991, the inclusion of a specified recital in an acknowledgment of an instrument (other than an instrument conveying substantially all corporate assets) executed on behalf of a domestic or foreign corporation by its president, vice president, secretary, or assistant secretary is prima facie evidence that the instrument is the act of the corporation and duly executed pursuant to authority given by its bylaws or board of directors, and is conclusive evidence thereof in favor of a good faith purchaser, lessee, or encumbrancer.

This bill would instead provide that a certificate of acknowledgment of an instrument

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executed on behalf of an incorporated or unincorporated entity by a duly authorized person is prima facie evidence that the instrument referenced therein is the duly authorized act of the entity named in the instrument and is conclusive evidence thereof in favor of a good faith purchaser, lessee, or encumbrancer. The bill would specify that corporate presidents, vice presidents, secretaries, and assistant secretaries are duly authorized persons to sign such an acknowledgment on behalf of a domestic or foreign corporation.

Ch. 1071 (AB 2833) Margolin. Health insurance: disclosures.

Existing law requires certain health insurers and health care service plans to provide certain disclosures concerning the benefits or health services provided by policies of health insurance or health plans.

This bill would require those health insurers and plans and their employees or agents, when presenting health insurance or a health care service plan for examination or sale to any individual or the representative of a group consisting of 25 or fewer individuals, to disclose in writing the ratio of incurred claims to earned premiums, with respect to those health insurers, or, with respect to health care service plans, premium costs to health services, paid for the insurer's or plan's preceding fiscal year or calendar year, respectively. The bill would authorize a health care service plan to report that information by geographic area, as specified.

The bill's provisions relating to certain health insurers would become operative on March 1, 1991.

Ch. 1072 (AB 3256) D. Brown. Respiratory care.

Existing law authorizes the Respiratory Care Examining Committee to request the administrative law judge to direct a licensee to pay costs for investigation and prosecution of a disciplinary proceeding, and authorizes the enforcement of an order for repayment of costs in the superior court in the county where the administrative hearing was held.

This bill would authorize enforcement in any appropriate court, and would provide that the committee shall not renew or reinstate the license of any licensee who has failed to pay all the costs as ordered, except as specified.

Existing law specifies the grounds for disciplinary action against a respiratory care practitioner by the Respiratory Care Examining Committee, including until January 1, 1991, unprofessional conduct, as defined, and provides that any person who engages in repeated acts of unprofessional conduct shall, until January 1, 1991, be guilty of a misdemeanor, punishable as specified.

This bill would extend this date to January 1, 1993 and thus would impose a state-mandated local program.

Under existing law, operative until January 1, 1991, the Respiratory Care Examining Committee is authorized to require a practitioner to undergo a competency examination when there is reasonable cause, as specified, to believe that the person is unable or unwilling to practice respiratory care with reasonable skill and patient safety. Failure to obey the order is grounds for disciplinary action and failure to pass the examination results in suspension or revocation of the person's certificate at the discretion of the committee.

This bill would extend the duration of the above-described provisions to January 1, 1993.

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

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

Ch. 1073 (AB 3914) Wyman. Bail.

Under existing law, the district attorney is required to, among other things, prosecute all actions for the recovery of debts, fines, penalties, and forfeitures accruing to the state or his or her county.

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This bill would exclude from this provision actions for the recovery of funds related to the forfeiture of the undertaking of bail or money deposited instead of bail.

Under existing law, the undertaking or deposit of bail is forfeited under specified conditions, and if the forfeiture exceeds $200, the clerk of the court is required to mail notice of the forfeiture to the surety on the bond or the depositor.

This bill would increase the forfeiture requiring notice under this provision to an amount in excess of $300.

Under existing law, no order discharging the forfeiture of the undertaking or deposit of bail shall be made without notice to the district attorney or prosecuting attorney, unless the local official has waived the notice requirement. Existing law also requires the district attorney or civil legal adviser of the board of supervisors to undertake certain actions regarding the enforcement of a summary judgment resulting from the forfeiture of the bail.

This bill would include the county counsel within the listing of local officials who are required to receive that notice, unless waived, and who are required to undertake the above-described actions. This bill would also delete the civil legal adviser of the board of supervisors from the list of those who are required to undertake the above-described action. The bill would require the district attorney, prosecuting attorney, or county counsel to recover the costs incurred in successfully opposing a motion to discharge the forfeiture of the undertaking or deposit prior to the division of the forfeited bail. The bill would require these costs to be recovered from the forfeited bail money. To the extent that the bill would increase the level of services required of county counsels it would impose a state-mandated local program.

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

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 1074 (AB 4106) Polanco. Medical device retailers

Existing law provides that a registered pharmacist or exempt person shall be responsible for any individual who enters a medical device retailer for the purpose of receiving a fitting or consultation on a medical device or for any employee or similar person performing specified functions if the registered pharmacist or exemptee remains present in the medical device retailer during all times that those individuals are present.

This bill would provide that the registered pharmacist or an exempt person shall be present in the medical device retailer any time a person who is seeking a fitting or consultation is present, and that the exempt person need not be present at all times of operation. The bill would provide that an exemptee need not be present if the dangerous devices are stored in a secure locked area, as specified.

Ch. 1075 (AB 4143) Epple. Political Reform Act of 1974.

(1) The Political Reform Act of 1974, among other things, requires public officials to make specified disclosures of their assets and income which may be materially affected by their official actions.

Senate Constitutional Amendment 32, which was adopted by the voters as Proposition 112, prohibits a Member of the Legislature or a state officer, as defined, from knowingly receiving salary, wages, commissions, or other similar earned income from a lobbyist or lobbying firm, as defined by the Political Reform Act of 1974, or from a person who, during the previous 12 months, has been under a contract with the state agency under the jurisdiction of the state officer. It also requires the Legislature to enact laws that define earned income.

This bill would define the term "earned income" for purposes of the Political Reform Act of 1974.

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(2) Existing provisions of the Political Reform Act of 1974 provide that no public official at any level of state or local government shall make, participate in making, or in any way attempt to use his or her official position to influence a governmental decision in which he or she knows or has reason to know he or she has a financial interest. Existing provisions also apply certain remedies, otherwise inapplicable, to any Member of the Legislature who makes, participates in making, or uses his or her official position to influence specified governmental decisions, and knows or has reason to know that he or she has a financial interest in the decision, as specified.

This bill would provide, in addition, that specified elected state officers shall not make, participate in making, or in any way attempt to use his or her official position to influence, any governmental decision before the agency in which the elected officer serves, in which the elected officer knows or has reason to know he or she has a financial interest, as specified. It would also provide for specified penalties for violation of the foregoing restriction.

(3) Existing provisions of the Political Reform Act of 1974 provide for the disclosure of income received by persons required to file disclosure statements pursuant to the act.

This bill would provide that when a payment for travel, including an advance or reimbursement, is required to be disclosed as income, it may be reported on a separate travel reimbursement schedule which shall be included in the filer's statement of economic interest. It would require a filer who chooses not to use the travel schedule to disclose those travel payments as a gift, unless the surrounding circumstances indicate otherwise, in which case those payments would be reportable as income. By changing and expanding disclosure procedures and requirements for which there are criminal penalties for noncompliance, the bill would impose a state-mandated local program.

(4) The Political Reform Act of 1974 requires every state agency or local government agency to adopt and promulgate a Conflict of Interest Code, as specified. No Conflict of Interest Code is effective until it is approved by the code reviewing body, which, as regards specified local agencies, is defined to include the county board of supervisors and the city council.

This bill would impose a state-mandated local program by requiring the code reviewing body to periodically direct every local agency with a Conflict of Interest Code to review and submit changes necessitated by changed circumstances, as specified.

(5) Existing provisions of the Political Reform Act of 1974 prohibit a former state administrative official, after termination of employment or term of office, from representing any person for compensation, either directly or indirectly, before any court or state administrative agency with intent to influence any judicial, quasi-judicial, or other proceeding where the State of California is a party or has an interest, and the proceeding is one in which the former official participated.

Chapter 84 of the Statutes of 1990, provides that no designated employee of a state administrative agency, any officer, employee, or consultant of a state administrative agency who holds a position, as specified, and no member of a state board or commission, for a period of one year after leaving office or employment, shall, for compensation, make specified representation for any other person before any state administrative agency, as specified, for which he or she worked or represented during the 12 months before leaving office or employment, if the representation is made for the purpose of influencing administrative action, or other specified actions or proceedings.

This bill would apply those provisions with respect to designated employees of a state administrative agency only to those designated employees employed on or after January 7, 1991.

(6) Existing provisions of the Political Reform Act of 1974 provide that a candidate shall establish one campaign contribution account to receive all contributions and loans to the candidate, as well as all personal funds to be utilized to promote the candidate's election. Existing provisions further provide that contributions deposited into a candidate's campaign account shall be deemed to be held in trust for expenses associated with election to office or expenses associated with holding office.

This bill would authorize an incumbent elected officer to utilize his or her personal funds for expenditures with respect to his or her election to, or holding of, a public office,

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without first depositing those funds in his or her campaign account if specified conditions are met. It also provides that an incumbent elected officer may be reimbursed from a campaign bank account for expenditures of personal funds provided that specified conditions are met. It would in addition provide, as specified, for the reporting of an incumbent elected officer's expenditure of personal funds which are above a certain amount in a given fiscal year or are unreimbursed. By establishing new reporting requirements the violation of which would be subject to criminal penalties, it would impose a state-mandated local program.

(7) Existing provisions of the Political Reform Act of 1974 require that all contributions into a candidate's campaign account be held in trust for expenses associated with the election The act also imposes various limitations on the use of campaign funds.

Chapter 84 of the Statutes of 1990, with regard to the use of campaign funds provides, among other things, that campaign funds shall not be used to make loans other than as provided to certain tax-exempt organizations

This bill would provide that campaign funds may also be loaned to candidates for elective office, political parties, and committees, unless otherwise prohibited.

(8) This bill would also make related technical, clarifying changes.

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

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

However, the bill would provide that, if the Commission on State Mandates determines that this bill contains other costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

(10) The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes with a ⅔ vote of each house and compliance with specified procedural requirements.

This bill, which would declare that it furthers the purposes of the act, would therefore require a ⅔ vote.

Ch 1076 (AB 4304) Costa California Apple Commission

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

This bill would create the California Apple Commission and varietal committees with prescribed memberships and would specify the powers, duties, and responsibilities of the commission and varietal committees in carrying out the bill. The commission would be authorized to carry on programs of advertising, promotion, marketing research, production research, and other activities relating to apples. The bill would authorize the commission to levy an assessment, not to exceed specified amounts, according to the marketing year, on producers, as defined, and would authorize the expenditure of those funds for purposes of carrying out the provisions of the bill, thereby making an appropriation.

The bill, except as necessary to conduct elections, would not become operative until the producers of apples, by referendum, vote in favor of the bill, as prescribed. The bill would also provide for the suspension or termination of the operation of the commission or varietal committees and for concluding the operations of the commission or varietal committees. The bill would define various terms.

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

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

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

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Ch. 1077 (SB 17) Lockyer. Transactions and use taxes.

(1) Under the existing Bradley-Burns Uniform Local Sales and Use Tax Law, the State Board of Equalization is required to charge a local entity, for the board's services in administering that entity's sales and use tax ordinance, 0.82% of all sales and use taxes collected by the board.

This bill would instead provide that the board shall, on and after July 1, 1991, charge a local entity 0.79% of all sales and use taxes collected by the board.

(2) Under the existing Transactions and Use Tax Law, the State Board of Equalization is required to charge a transit district, as defined, for the board's services in administering the transactions and use tax in an amount equal to a specified percentage of all district taxes collected by the board. Existing provisions also provide that specified traffic and transit entities in the County of Santa Clara shall each be charged at ½ of the rate otherwise imposed.

This bill would require, with certain exceptions, that the board charge specified types of districts which are authorized to impose a transactions and use tax at specified percentages of all district taxes available to those districts on and after July 1, 1991. These amounts would be deducted from the taxes collected by the board for each district, and would be in addition to the amount otherwise provided for preparatory costs. It would further specify special rates with respect to specified traffic and transit entities within the County of Santa Clara and would provide that those rates shall only be effective to June 30, 1991, inclusive.

Ch. 1078 (SB 786) Presley. Youth.

(1) Existing law limits the circumstances under which a minor may be detained in a jail or other secure facility for the confinement of adults, and the Department of the Youth Authority is required to assist law enforcement agencies, probation departments, and courts with the implementation of these provisions, as specified. Under existing law, however, the Department of the Youth Authority may exempt a county that does not have a juvenile hall, or an offshore law enforcement facility, from compliance with these provisions for a reasonable period of time until December 31, 1990, for the purpose of allowing the county or the facility to develop alternatives to the use of jails and lockups for the confinement of minors, if specified conditions are met.

This bill would extend the period in which the Department of the Youth Authority may exempt a county or offshore law enforcement facility to a reasonable period of time until July 1, 1991.

(2) Existing law provides that the judge of the juvenile court or any of the judges of that court, if there is more than one judge of the juvenile court, and the Department of the Youth Authority shall each, at least annually, inspect any jail, juvenile hall, or lockup which, in the preceding calendar year was used for the confinement, for more than 24 hours, pursuant to specified provisions of existing law, of any minor.

This bill would recast this provision to delete the reference to the specified provisions of existing law and would make a related change.

Ch. 1079 (SB 1107) Kopp. Contracts: customer copy.

Existing law provides that a contract in writing takes effect upon its delivery to the party in whose favor it is made or to his or her agent.

This bill would, with certain exceptions, require the seller, as defined, to mail or deliver to the purchaser, at a specified time, a copy of a contract for the sale of goods or services purchased primarily for personal, family, or household purposes or for extension of credit the proceeds of which are used for those purposes. The bill would also, with certain exceptions, require sellers to mail or deliver, at a specified time, a copy of any written guaranty of a purchaser's obligations thereunder to persons providing the guaranty. The bill would require banks or trust companies entering into safe deposit rental agreements or personal property safekeeping and storage agreements to mail or deliver to the purchaser, at a specified time, a copy of the contract. Failure to comply with the bill would subject the seller, or the bank or trust company, to a cause of action for actual damages, but the bill's remedy would be in addition to any other remedy provided by law.

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The bill would become operative July 1, 1991.

Ch. 1080 (SB 1523) Kopp. Transportation: toll collection: vehicle identification system.

Under existing law, the Department of Transportation has charge of the collection of tolls on all state-owned toll bridges and other highway crossings.

This bill would express legislative findings and declarations relative to the use of automatic vehicle identification systems for toll collection, and would require the department, in cooperation with the Golden Gate Bridge, Highway and Transportation District and other entities planning to implement a toll facility, to adopt specifications and standards for an automatic vehicle identification system. The bill would require any such system purchased or installed after January 1, 1991, to comply with those specifications and standards.

Ch. 1081 (SB 1589) Vuich. Agriculture: commission merchants.

(1) Existing law provides for the regulation of commission merchants. These merchants, among other things, receive farm products on consignment or sell farm products on commission. Existing law requires that commission merchants remit the amount which is realized from the sale of farm products, with specified adjustments, together with a complete account of sales, to the consignor within 10 days after receipt of the money by the merchant, unless otherwise agreed in writing.

This bill would authorize the consignor and the commission merchant to agree as to which documents are necessary to provide a complete account of the sales, and would require that any agreement made pursuant to these provisions be made, in writing, prior to the shipping season of the particular farm product. The bill would provide that an account of sales shall be deemed complete if it consists of various designated information.

(2) Under existing law, the burden of proof is upon the commission merchant to prove the correctness of any accounting

This bill would limit this requirement to any accounting required to be performed by the commission merchant.

(3) Existing law requires the Director of Food and Agriculture to consider specified matters when determining whether to disallow to a commission merchant, all or part of, any adjustment charged back to a consignor.

This bill would require the director to determine whether any allowable waivers or agreements were entered into and, if so, would require the director's inquiry in determining this adjustment to be governed by their terms and conditions. The bill would require the director to consider the existing matters if there are no waivers or agreements, or if they would violate the provisions regulating commission merchants, in determining whether there is insufficient justification for an adjustment.

Ch. 1082 (SB 1742) L. Greene Highways: seismic safety retrofit projects.

Under existing law, the Department of Transportation, with respect to state highways, and the Counties of Los Angeles and Santa Clara, with respect to other than state highways within their jurisdictions, are required to inspect publicly owned bridges for needed seismic retrofit work, and all deficient bridges are required to be retrofitted by December 31, 1991.

This bill would, instead, require those agencies, as specified, to review the structural design and construction details of those bridges, and would require the Director of Transportation to establish a statewide priority list for retrofit projects based on these inspections and the department and those counties to prepare retrofit plans, specifications, and estimates for projects included in the priority list.

With specified exceptions, the department and the counties would be required, by December 31, 1991, to execute the necessary construction contracts for projects on the priority list, and to complete the retrofitting or replacement of those bridges and structures by December 31, 1992, except as specified. The bill would require the department's annual budget of State Highway Account expenditures to include an amount recommended for transfer to the Seismic Retrofit Account in the State Transportation Fund

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to fund the seismic retrofit program, and would require funds to be allocated to the department and local agencies from a designated appropriation of $80,000,000 from the Seismic Safety Retrofit Account to the director for allocation for seismic safety retrofit projects, and from federal highway capital outlay funds, as specified. The bill would specifically require the director to include in the allocation to the Counties of Los Angeles and Santa Clara from that Seismic Safety Retrofit Account appropriation an additional amount for overhead and other federally nonreimbursable costs associated with the inspection of bridges for needed seismic retrofit work, thereby making an appropriation.

The bill would, for these purposes, define "retrofit" to include both the structural modification of and the replacement of an existing bridge.

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

Ch. 1083 (SB 1830) C. Green Building standards.

(1) Existing law, contained in the State Housing Law, requires the State Fire Marshal to adopt fire safety rules, regulations, and building standards, and to enforce building standards published in the California Building Standards Code, for structural safety and fire-resistant exits in multiple-story structures existing on January 1, 1975, let for human habitation, consistent with certain requirements contained in the Uniform Building Code, 1979 edition. Existing law permits a city, county, or city and county, to adopt building standards for those structural fire safety and fire-resistant exits if those standards are substantially equivalent to the building standards published in the California Building Standards Code

This bill would repeal those provisions and transfer those provisions to sections of the law that relate to the State Fire Marshal and would require the rules, regulations, and standards to be consistent with certain requirements contained in the California Building Standards Code, 1990 edition, or similar successor standards of the California Building Standards Code The bill would also permit a city, county, or city and county, except for state historical buildings, to adopt the above-described building standards if they are more stringent than the building standards published in the California Building Standards Code.

(2) Under existing law, a city, county, or city and county may make modifications to the building standards adopted by the Department of Housing and Community Development and contained in the California Building Standards Code as are reasonably necessary because of local climatic, geological, or topographical conditions. Existing law requires the modification to be based upon a finding of that necessity and submittal of the finding to the Department of Housing and Community Development.

This bill would permit a city, county, or city and county to make changes or modifications in the requirements published in the California Building Standards Code relating to fire and panic safety, except for state historical buildings The bill would require those changes or modifications to be reasonably necessary because of local climatic, geological, or topographical conditions and would require the city, county, or city and county to make an express finding, and to follow certain procedures

The bill would provide that nothing in those provisions would authorize a local jurisdiction to mandate, or prohibit a local jurisdiction from mandating, installation of residential fire sprinkler systems, as specified, or authorize a local jurisdiction to mandate, or prohibit a local jurisdiction from mandating, retrofitting of residential fire sprinkler systems, as specified, or apply in any manner to litigation filed prior to January 1, 1991, as specified.

The bill would require the agency or entity designated by the city, county, or city and county with jurisdiction in the area affected to enforce building standards not related to fire and safety, also to enforce the building standards adopted pursuant to the above described provisions.

(3) Existing law requires the chief of any city or county fire department or district providing fire protection services, and their authorized representatives, to enforce the building standards and other regulations of the State Fire Marshal in their respective areas.

This bill would instead require the agency or entity designated by a city, county, or

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city and county with jurisdiction in the area affected to enforce building standards not related to fire and safety, also to enforce the building standards and other regulations relating to fire and panic safety for R-3 occupancies, thereby imposing a state-mandated local program.

The bill would require the chief of any city or county fire department or of any fire district, and their authorized representatives, to enforce the building standards and other regulations of the State Fire Marshal except those described above and except those which the chief fire official or governing body requests the State Fire Marshal to enforce.

(4) Existing law permits a fire protection district to enact ordinances and adopt a fire prevention code by reference.

This bill would also permit a fire protection district to adopt, by ordinance, and pursuant to a specified procedure, building standards relating to fire or panic safety that are more stringent than those adopted by the State Fire Marshal and contained in the California Building Standards Code, as specified, except for state historical buildings.

The bill would provide that nothing in those provisions would authorize a fire protection district to mandate, or prohibit a local jurisdiction from mandating, installation of residential fire sprinkler systems, as specified, or authorize a fire protection district to mandate or prohibit a local jurisdiction from mandating, retrofitting of residential fire sprinkler systems, as specified, or apply in any manner to litigation filed prior to January 1, 1991, as specified.

This bill would require the fire protection district to transmit the adopted ordinance to the city, county, or city and county, where the ordinance will apply, and would authorize that city, county, or city and county, to ratify, modify, or deny the ordinance, as specified. The bill would provide that the agency or entity designated by the city, county, or city and county with jurisdiction in the area affected to enforce building standards not related to fire and panic safety also is required to enforce building standards adopted pursuant to the above described provisions.

(5) Existing law requires the State Department of Housing and Community Development to report annually to the State Building Standards Commission the modifications and changes made by cities and counties to the building standards published in the California Building Standards Code.

The bill would require the report to be for informational purposes only, would require the department to make the report in conjunction with the Office of the State Fire Marshal by October 1, 1991, and would require the department and the office also to report any more stringent building standards related to fire and panic safety adopted by a city, county, city and county, or fire protection district.

(6) The bill would provide that it would not become operative unless AB 2666 is chaptered.

(7) Since violation of an ordinance of a city, county, or city and county constitutes a misdemeanor, the bill would create a new crime, and thereby impose a state-mandated local program.

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

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

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

Ch. 1084 (SB 2053) C Green. Employment Development Department: release of information.

Existing law permits the Employment Development Department to exchange with other governmental departments and agencies for specified purposes information ac-

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quired by the department with respect to any person who has applied for or received unemployment compensation or disability benefits.

This bill would require the department to disclose the above information to county probation departments in order to assist those departments in the location of victims of crime who, by state mandate or court order, are entitled to restitution that has been, or can be recovered, and to assist in the collection of money owed to the county or the state by any person who has been directed by state mandate or court order to pay restitution, fines, penalties, assessments, or fees as the result of a violation of law. It would additionally make it a misdemeanor for any officer or employee of the department to disclose information or for any person to obtain information in violation of these provisions. The creation of a new crime would impose a state-mandated local program.

The bill would also require counties to reimburse the department for all reasonable administrative expenses incurred pursuant to these provisions. The imposition of this requirement on counties would create a state-mandated local program.

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

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

The bill also would provide that no reimbursement is required by certain provisions of this act for a specified reason.

This bill would also incorporate additional changes in Section 1095 of the Unemployment Insurance Code, proposed by AB 3092, to be operative only if AB 3092 and this bill are both chaptered and become effective January 1, 1991, and this bill is chaptered last.

Ch. 1085 (SB 2123) Doolittle. Bulk transfers.

Existing law requires for certain bulk transfers that the transferee, or, if the transaction is handled through an escrow, the escrow agent, apply the consideration so as to pay off debts of the transferor for which claims are filed in accordance with specified provisions. Among other things, if the transferor disputes whether a claim is due and payable on the noticed sale date or the amount of any claim, the transferee or escrow agent is required to withhold from distribution the amount of the claim, as specified.

This bill would instead require the transferee or escrow agent to withhold an amount equal to 125% of the 1st $7,500 of the claim and an amount equal to the portion of the claim in excess of $7,500.

The bill would incorporate changes proposed by Assembly Bill No. 3653 that would become operative only if that bill is enacted and this bill is enacted last.

Ch. 1086 (SB 2214) Boatwright. Marriage, family, and child counselors.

Existing law authorizes a marriage, family, and child counselor to use hypnosis in the course of performing marriage, family, and child counseling under specified conditions.

This bill would delete that authority.

Existing law provides that experience may be gained as an intern, as specified, or when employed in a private practice setting.

This bill would provide that the employment experience may be gained in a private practice owned by a licensed marriage, family, and child counselor, a licensed psychologist, a licensed clinical social worker, a licensed physician and surgeon, or a professional corporation of any of those licensed professions

Existing law requires each applicant for a license as a marriage, family, and child counselor to be examined by the Board of Behavioral Science Examiners.

This bill would prohibit the board from denying an applicant, whose application is complete, admission to the required licensure examinations if the applicant meets the required educational and experience requirements and has not committed any acts or engaged in any conduct which would constitute grounds to deny licensure, as specified.

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This bill would provide that as to an applicant who has passed the written examination who is the subject of a specified complaint or investigation, the board may withhold the results of the applicant's oral examination for licensure or notify the applicant that licensure will not be granted pending completion of the investigation.

This bill would also authorize the board to deny an applicant, who has previously failed either the written or oral examination, permission to retake the failed examination pending completion of the investigation of any complaints against the applicant.

Ch. 1087 (SB 2512) McCorquodale. Physical Therapy Examining Committee.

Pursuant to existing law there is created under the jurisdiction of the Division of Allied Health Professions of the Medical Board of California, a Physical Therapy Examining Committee (examining committee) that is to enforce and administer the provisions governing the profession of physical therapy. Existing law requires applicants for a license under the Physical Therapy Practice Act to attain an average grade of 75% or a statistical formula the equivalent thereof to be granted a license. Existing law requires the Medical Board of California to issue, suspend, and revoke licenses to practice physical therapy. Existing law requires that notice of each regular or special meeting of the committee be published in certain daily papers, as specified.

This bill would authorize the committee to establish the passing grade required on an examination in order to be granted a license. This bill would provide that the committee, rather than the Medical Board of California, shall issue, suspend, and revoke approvals, as well as issuing, suspending, and revoking licenses, to practice physical therapy This bill would authorize the committee to hire consultants to assist it in its programs, as specified.

This bill would require that notice of the committee meetings be given in accordance with the Bagley-Keene Open Meeting Act.

This bill would provide that the committee shall establish and administer a diversion program for the rehabilitation of physical therapists and physical therapist assistants whose competency is impaired due to the abuse of drugs or alcohol. This bill would set forth the criteria for acceptance into the diversion program and grounds for which a participant may be terminated from the program.

The committee would be authorized to do both of the following with respect to the diversion program: (1) contract with a state agency or private organization to perform its duties, and (2) establish one or more diversion evaluation committees, as specified, with certain duties to assist it in carrying out its duties in the diversion program. This bill would specify that all committee and diversion evaluation committee records and records of proceedings and participation of a physical therapist or physical therapist assistant in the diversion program shall be confidential and are not subject to discovery Participation in the diversion program would not constitute a defense to any disciplinary action which may be taken by the committee.

This bill would provide that a fee not to exceed $100 may be charged for participation in the program and any fee earned by the committee is to be credited to the Physical Therapy Fund, a continuously appropriated fund. This bill would also require all collections from persons approved or seeking to be approved, as well as persons licensed or seeking to be licensed, to be paid by the committee into the Physical Therapy Fund, a continuously appropriated fund.

This bill would provide that a registered pharmacist may furnish specified needle electrodes or hypodermic needles to physical therapists who are certified to perform tissue penetration as a part of the practice of physical therapy.

Ch. 1088 (SB 2575) Kopp Limited partnerships.

Existing law, the California Revised Limited Partnership Act, provides for the formation of, and the rules governing, limited partnerships.

This bill would authorize 2 or more limited partnerships to merge into one limited partnership pursuant to specified provisions. The bill would also provide that dissenting limited partners in certain limited partnerships have a right to require the merging limited partnership to purchase any interest owned by dissenting limited partners at fair market value, as specified. The bill would make other changes in the partnership act

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relating to, among other things, remedies of 3rd-party creditors; the obligation of a partner to return a distribution from a limited partnership; and assignment of a limited partner's rights. The bill would also make related changes.

Ch. 1089 (SB 2861) Presley. Riverside County Date Commission.

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

This bill would create the Riverside County Date Commission with a prescribed membership, and prescribe its powers, duties, and responsibilities in carrying out the provisions of the bill. The commission would be authorized to carry on programs of production research relating to dates. The bill would authorize the commission to levy an assessment, not to exceed a specified amount, on producers and grower-handlers, as prescribed, and authorize its expenditure for purposes of carrying out the provisions of the bill, thereby making an appropriation.

The bill, except as necessary to conduct an election, would not become operative until the producers and grower-handlers of dates, by referendum, vote in favor of the bill, as prescribed. The bill would also provide for the suspension and termination of the operation of its provisions and for concluding the operations of the commission.

Since a violation of the provisions would be a misdemeanor, the bill would impose a state-mandated local program by creating a new crime.

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

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

Ch. 1090 (SB 2050) Keene. Firearms.

(1) Chapters 9 and 177 of the Statutes of 1990 require the purchaser of any firearm to, among other things, sign his or her legal name to the register.

This bill would include transferees under the provisions and would specify that the name shall consist of the current legal name of the purchaser or transferee.

(2) Existing law makes it a misdemeanor to, among other things, knowingly affix an incorrect birth date or other specified information to the register.

This bill would expand the scope of this crime, thereby imposing a state-mandated local program, by making it a misdemeanor to knowingly furnish any incorrect information or knowingly omit any required information.

(3) Chapters 9 and 177 of the Statutes of 1990 regulate the sale of firearms and prohibits the delivery or sale of a firearm to a person if the person falls within various classes of persons, including convicted felons, narcotic addicts, persons convicted of violent offenses, or persons prohibited from owning, possessing, or having custody or control of firearms on the basis of their mental condition.

In addition, Chapters 9 and 177 of the Statutes of 1990 provide that if the Department of Justice determines that the purchaser of a firearm is a person within one of these classes, the department shall immediately notify the dealer of the fact. In this respect, the court in Gray v. San Francisco Gun Exchange, Inc., 207 Cal. App. 3d 151, 155, determined, as to concealable firearms, that the department does not have a mandatory duty to conduct an investigation reasonably designed to reveal whether a person is eligible to possess a concealable firearm.

This bill would revise the law to require the Department of Justice to examine its records, as well as other records, as specified, to determine whether the purchaser, as well as the transferee, of a firearm is in a prohibited class.

(4) Under the provisions of Chapters 9 and 177 of the Statutes of 1990, the Department of Justice is authorized to charge the dealer a fee to reimburse the department for the cost of furnishing information for the purposes of the statute.

This bill would authorize the department to charge the dealer, in addition, for the costs which result from the reporting requirements imposed by this bill of the State Department of Mental Health and of local public mental health facilities for state-

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mandated local costs.

(5) Existing law requires certain information to be set forth in the register of sales involving firearms.

This bill would include the requirement that the information in the register contain all legal names and aliases ever used by the purchaser.

The bill would specify that these provisions apply to transferees as well as purchasers.

(6) Existing law requires the State Department of Mental Health to make available, as specified, to the Department of Justice those records which the State Department of Mental Health has in its possession which are necessary to identify those persons who are prohibited from owning specified concealable weapons on the basis of their mental condition. In order to obtain these records, existing law provides that each public and private mental facility is required to provide the department with the information requested by the department upon the request of the State Department of Mental Health.

This bill, in addition, would require the State Department of Mental Health to maintain these records in a convenient central location.

This bill would also add assault weapons, as defined, to the list of specified concealable weapons for the purposes of this provision

This bill would recast the second provision to require the Department of Justice, rather than the State Department of Mental Health, to request each public and private mental health facility to submit to the department the specified information concerning the purchaser or transferee of any firearm.

The bill would require all information provided to the Department of Justice pursuant to this provision to be kept confidential, separate, and apart from all other records maintained by the department, and to be used by the department only to determine eligibility to acquire and possess firearms.

(7) This bill would provide that its provisions are severable

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

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

Ch. 1091 (AB 1111) Ferguson. Traffic violator schools

Existing law requires the Department of Motor Vehicles to publish annually and transmit to municipal and justice courts a list of licensed traffic violator schools.

This bill would require the list to be published at least twice annually and to contain specified information. The bill would authorize the courts to remove names from the list under specified conditions. The bill would require the department to publish a list of the owners of traffic violator schools, as specified. The provisions of the bill would be repealed and the existing law reenacted if specified provisions of the bill are held to be unconstitutional.

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

Ch. 1092 (AB 1162) Polanco. Subdivisions.

Existing law regulates certain out-of-state land promotions, and provides for the issuance of a permit by the Real Estate Commissioner in connection therewith, as specified. Existing law also, insofar as applicable to those promotions, requires a permit from the Real Estate Commissioner to sell real property securities to the public, as specified, and requires an appraisal of each parcel of real property which relates to a transaction subject to those laws relating to real property securities.

This bill would define "accessible urban subdivision" for purposes of the issuance of a permit pursuant to the above provisions regulating out-of-state land promotions.

The bill would provide that the above-mentioned provisions requiring an appraisal are not applicable to an accessible urban subdivision, but the bill would require a person who sells a lot or parcel in an accessible urban subdivision to a buyer who is a California resident to either deliver a current appraisal, as defined, to the buyer prior to the execution of a binding contract to effect a sale, or provide as a condition of the contract

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effecting the sale, that a copy of appraisal prepared for a lender, as specified, or a written certification of the opinion of value set forth in the appraisal be delivered to the buyer prior to the close of escrow with the buyer having the option to terminate his or her offer if the sale price is more than 110% of the appraisal.

This bill would provide specified procedures for the application for processing, issuance, or denial of a permit for an accessible urban subdivision.

The bill would authorize the Real Estate Commissioner to issue a preliminary permit for an accessible urban subdivision under certain circumstances, and would establish a fee of $500 for an application for the permit. Since the fee would be deposited into the continuously appropriated Real Estate Fund, the bill would make an appropriation.

Ch. 1093 (AB 2595) Tanner. Hazardous waste management plans.

(1) Existing law authorizes a county to prepare a county hazardous waste management plan for the management of all hazardous waste produced in the county. Existing law authorizes a council of governments to prepare a regional hazardous waste management plan. Existing law requires a county to submit the final county hazardous waste management plan and a council of governments to submit the final regional hazardous waste management plan to the State Department of Health Services, pursuant to a specified schedule, for review and approval, if specified determinations are made, or disapproval. Existing law requires a county to take a specified action within 180 days after the department approves a hazardous waste management plan for that county, to implement the approved plan. Existing law requires each city within a county with an approved hazardous waste management plan, to take a specified action, within 180 days after receiving written notification from the department of the plan approval, to implement the approved plan. Existing law requires the department to prepare and adopt a state hazardous waste management plan by November 1, 1989, taking into account specified documents.

This bill would require each city within a county with a hazardous waste management plan to take a specified action, within 180 days after receiving written notification from that county that the county hazardous waste management plan has been approved, to implement the approved plan. The bill would require the department to prepare and adopt a state hazardous waste management plan by November 30, 1991, and would revise the list of documents which the department is required to take into account in its preparation of that plan.

The bill would require the department, if the department disapproves the county or regional hazardous waste management plan, to provide the county or regional council of governments with a detailed description of its reasons for disapproval and would authorize a county or regional council of governments to submit a revised plan to the department within a specified period of time. The bill would require the department to either approve the revised county or regional hazardous waste management plan, if specified determinations are made, or to disapprove the revised plan, within 180 days of receiving the revised plan. The bill would require the county, and each city within that county, to take specified actions to implement the approved revised county hazardous waste management plan.

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

Ch. 1094 (AB 2622) Eastin. Glass: recycled glass.

(1) Existing law does not require glass used for food, drink, or beverage containers in California to contain recycled glass. The Department of Conservation is required to deposit all fines or penalties collected for violations of the California Beverage Container Recycling and Litter Reduction Act into the California Beverage Container Recycling Fund in the State Treasury. The money in the fund is continuously appropriated to the department for the payment of refund values and for deposit in the Redemption Bonus Account.

This bill would require every glass container manufacturer, as defined, to fill out a standardized rejection form of specified contents supplied by the department whenever the manufacturer rejects a load of redeemed glass materials delivered to the glass manufacturer's place of business and offered for sale by a certified processor.

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The bill would prohibit a certified processor from disposing of rejected material before the processor obtains written permission from the department. The bill would require the certified processor to submit the rejection form to the department with a request to dispose of the rejected material. The bill would require specified logbooks and records to be kept by those manufacturers and processors.

The bill would also require each glass container manufacturer to use a specified minimum percentage of California postfilled glass in the manufacturing of glass food, drink, or beverage containers, and to report to the department each month, beginning October 1, 1991, the amount of total sales of new glass containers and the percentage of California postfilled glass used in the manufacturing of those new containers. The bill would provide for increasing percentages on and after specified dates. The bill would provide for reductions in the maximum percentage which is required after January 1, 2005, and for granting of waivers or reductions by the department under specified circumstances.

The bill would declare that its provisions are not to be interpreted to lessen responsibilities related to glass container recycling, as specified.

Existing law would make violations of the bill an infraction with specified penalties. Therefore, the bill would impose a state-mandated local program by creating new crimes.

The bill would allow the department to expend the moneys deposited in the fund, which are the result of violations of the provisions added by the bill, only upon appropriation by the Legislature.

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

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

Ch. 1095 (AB 3381) Baker. Adult illiteracy.

Existing law establishes a library services program designed to prevent illiteracy through coordinated literacy and preliteracy services to families that include illiterate adults and young children.

This bill would establish, in addition, the California Library Literacy Service, as a public library services program designed to reduce adult illiteracy by providing English language literacy instruction, as defined, and related services to adults and youth who are not enrolled in school. The bill would authorize the State Librarian to annually make apportionments of state funding to public libraries, in varying amounts, to share certain costs incurred in operating adult literacy instructional programs in accordance with designated criteria. The bill would require, as a condition of funding eligibility, that a public library annually submit a plan of service and a proposed budget to the California Library Services Board for its review and approval.

The bill would also direct the State Library to provide administrative support and technical assistance to participating public libraries, and to conduct and coordinate specified services in support of the adult literacy instructional programs operated by those libraries

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

Ch. 1096 (AB 3407) Tucker. Controlled substances.

Existing law provides that no person shall use or be under the influence of any specified controlled substances except when administered by, or under the direction of, a person licensed by the state to dispense, prescribe, or administer controlled substances. Any person convicted of violating this provision is guilty of a misdemeanor and shall be sentenced to not less than 90 days nor more than one year in the county jail and a fine, as specified. However, under certain circumstances, the person may be eligible for diversion, as specified.

This bill would provide that the court may, when it would be in the interest of justice, permit the person to enter into a licensed drug rehabilitation program in lieu of part or all of the imprisonment in the county jail. The bill would also provide that as a

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condition of sentencing, the court may require the offender to pay all or a portion of the drug rehabilitation program. The bill would increase the minimum jail term for the above offenses to 180 days for persons (1) previously convicted 2 or more times of those offenses within 7 years of commission of the current offense and (2) who refuse to complete such a drug rehabilitation program offered by the court under the bill, except as specified. The bill would also allow the court, as specified, to permit a person convicted of these provisions to complete a licensed drug rehabilitation program in lieu of part or all of any imprisonment in the county jail.

The bill would become operative July 1, 1991.

Because this bill would increase the jail time sentence for some repeat offenders, it would impose a state-mandated local program.

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

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

Ch. 1097 (AB 3551) Sher. Mining: environmental impact reports.

(1) Under existing law, the Surface Mining and Reclamation Act of 1975 governs surface mining operations and the reclamation of mined lands and provides, among other things, for the submission of reclamation plans to, and issuance of permits by, lead agencies to persons engaging in surface mining operations. Under existing law, the State Geologist is required to classify, on the basis of geologic factors, specified areas in regard to mineral deposits.

This bill would require the lead agency, prior to permitting a use which would threaten the potential to extract minerals in specified areas classified by the State Geologist, to prepare and submit, as prescribed, a statement specifying its reasons for permitting the proposed use. The bill would impose a state-mandated local program by imposing this and other duties on lead agencies

The bill would require financial assurances, as specified, for reclamation to be provided to and approved by the lead agency, prior to the conduct of surface mining operations, in accordance with prescribed procedures and requirements, and would prescribe related matters. The bill would prescribe duties of the lead agency or the State Geologist if the operator is financially incapable of performing reclamation in accordance with its approved reclamation plan or has abandoned its surface mining operation. The bill would require reclamation plans to establish site-specific criteria for evaluating compliance with the approved plan. The bill would require an operator of a surface mining operation which has become idle, as defined, to submit an interim management plan to the lead agency for review and approval, according to a specified procedure.

The bill would require lead agencies to conduct inspections of surface mining operations, as prescribed, and would require reclamation plans, financial assurances, or any amendments to be submitted by the lead agency to the State Geologist for review as prescribed. The bill would require every lead agency to submit specified information and documentation to the State Geologist for every active or idle mining operation within its jurisdiction.

The bill would prescribe enforcement powers of the lead agency and the State Geologist and would authorize lead agencies or the State Geologist to impose administrative civil penalties, as prescribed, in accordance with prescribed procedures, and subject to review by the legislative body of the lead agency or the State Mining and Geology Board, as prescribed The bill would authorize the board, in accordance with prescribed procedures, to exercise the powers of lead agencies which are found to be not taking reasonable action to carry out their responsibilities.

The bill would require the board by March 1, 1994, to submit to the Governor and Legislature a report which evaluates the effectiveness of lead agencies and the department in implementing the bill.

(2) Under existing law, mine operators are required to forward to the State Geologist, upon his or her request, an annual report, as prescribed, on mine operations.

This bill would revise the contents and submission date of the report The bill would

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require an annual report containing specified information on mining operations to be forwarded to lead agencies. The bill would require the board to impose an annual reporting fee, by emergency regulation, on active and idle mining operations. The money generated by the fee would be deposited in the Mine Reclamation Fund, which the bill would create. The money in the fund would be available, upon appropriation by the Legislature, for expenditure by the department for specified purposes. The bill would define "mining operation" for purposes of these provisions.

(3) Under existing law, the California Environmental Quality Act, a lead agency is, subject to various exemptions, required to prepare or cause to be prepared by contract, and certify the completion of, an environmental impact report.

This bill would provide that a lead agency shall prepare or cause to be prepared by contract, and certify the completion of, an environmental impact report for any open-pit mining operation which is subject to specified permit requirements and utilizes a cyanide heap-leaching process for the purpose of producing gold or other precious metal, thereby imposing a state-mandated local program by imposing these duties on local agencies.

(4) Under existing law, the State Geologist is required to classify any area, for which classification has been requested by a petition, according to its mineral deposits.

This bill would require the State Geologist to charge a fee to cover the reasonable costs of classifying an area for which classification has been requested by the petitioner.

(5) The bill would appropriate $350,000 from the Strong-Motion Instrumentation Special Fund to the department, as a loan, to be repaid in a specified manner, for expenditure by the department for specified purposes.

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

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

Ch. 1098 (AB 3610) Speier. Mortgages: mortgage guaranty insurance.

Existing law provides that if private mortgage insurance or mortgage guaranty insurance is required as a condition of a loan secured by a mortgage or deed of trust on real property, the lender must notify the borrower whether the borrower has the right to cancel. If the borrower has the right to cancel the lender or person making or arranging the loan must notify the borrower in writing of specified information, including any identifying loan or insurance information necessary to permit the borrower to communicate with the insurer or the lender concerning the insurance and the procedure the borrower is required to follow to cancel the private mortgage insurance or mortgage guaranty insurance.

This bill would permit a borrower under any note or evidence of indebtedness secured by a deed of trust or mortgage on an owner-occupied, 1 to 4 unit residential real property, if the borrower so requests in writing and specified conditions are satisfied, to terminate future payments for private mortgage insurance or mortgage guaranty insurance, as defined, issued as a condition to the extension of credit in the form of a loan evidenced by a note or other evidence of indebtedness which is secured by a trust deed or mortgage on the subject property, except when specifically prohibited by a statute, regulation, rule, or written guideline, as specified.

This bill would not apply to any note or evidence of indebtedness secured by a deed of trust or mortgage, or mortgage insurance, executed under the authority of the California Housing Finance Agency or specified provisions of law relating to bond and loan insurance, as specified, notes or evidence of indebtedness funded in whole or in part according to specified provisions which prohibit or limit such termination, or notes or evidence of indebtedness which require private mortgage insurance and were executed prior to January 1, 1991.

Ch. 1099 (AB 3746) Johnston. Mortgage insurance.

Existing law specifies that if private mortgage insurance or mortgage guarantee insurance is required as a condition of a loan secured by a deed of trust or mortgage on real

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property, but the borrower has a right to cancel, the lender or person arranging the loan shall notify the borrower in writing of, among other things, the conditions to be satisfied before cancellation, as specified.

This bill would require that this notice include (1) specified information if the condition for cancellation is a ratio of the loan balance to the original or current value of the security property and (2) information concerning whether or not an appraisal may be necessary. The bill would revise the time within which this notice should be given and provide injunctive relief and treble damages plus attorney's fees and costs for violation of these requirements. This bill would require the refund of specified insurance premiums to be made, as specified. It would also require, as of January 1, 1992, a prescribed notice or statement regarding the right to cancel to be annually furnished to affected borrowers, as specified.

Ch. 1100 (AB 3772) Mountjoy. Armories sale or lease.

Under existing law, proceeds from the disposal of unused armories are deposited in the Armory Fund and are available, upon appropriation, for the acquisition or construction of new or replacement armories.

This bill would permit the Director of General Services, with the approval of the Adjutant General, to lease, for not more than 99 years, or sell, any real property held for armory purposes, and would require the proceeds from leases and sales of the real property to be deposited in the Armory Fund. The bill would require legislative approval for any lease or sale.

Ch. 1101 (AB 3903) Sher. Mining.

(1) AB 3551, if enacted, would require the State Mining and Geology Board, on or before March 1, 1994, to submit to the Governor and the Legislature a report which evaluates the effectiveness of lead agencies and the Department of Conservation in implementing the Surface Mining and Reclamation Act of 1975 and related provisions of law, and would require the board, prior to submitting the report to the Legislature, to circulate a draft report for public review and comment. AB 3551, if enacted, would make up to $300,000 from the Mine Reclamation Account available to the board, upon appropriation by the Legislature, for the preparation of that report.

This bill would, instead, require the department to submit the report and would delete the provisions concerning the draft report. The bill would make those funds available to the department, upon appropriation by the Legislature, for the preparation of that report.

(2) AB 3551, if enacted, would require lead agencies to conduct an inspection of a surface mining operation within 6 months of receipt by the lead agency of a specified mining operations report and would require the lead agency to notify the State Geologist that the inspection has been conducted.

This bill would require that the inspection be conducted using a form developed by the department and approved by the board and would require the notice concerning the completed inspection to include a copy of the completed form. By imposing these additional duties on lead agencies, the bill would impose a state-mandated local program.

(3) AB 3551, if enacted, would require the payment of a specified administrative penalty to the lead agency or the State Geologist within a specified time period.

This bill would provide that the payment be held in an interest bearing impound account pending the resolution of a specified petition for review.

(4) AB 3551, if enacted, would require the board to exercise any of the powers of a lead agency if the board makes one of several specified findings.

This bill would require the board to exercise any of those powers if the board finds that the lead agency has failed to submit information to the department as required by the act.

(5) The bill's provisions would become operative only if AB 3551 is enacted before this bill, and contains specified provisions.

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

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procedures for making that reimbursement.

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

Ch. 1102 (AB 4004) Lancaster. Insurance: laws governing the business of insurance.

Existing law provides that the business of insurance is subject to the laws of California applicable to any other business, including the antitrust and unfair business practices laws. Existing law provides that that provision does not prohibit any agreement to collect, compile, and disseminate historical data on paid claims or reserves for reported claims, as specified, or participation in any joint arrangement established by statute or the commissioner to assure availability of insurance.

This bill would also provide that the general applicability of laws affecting business to the business of insurance does not prohibit any agent or broker, representing one or more insurers, from obtaining from any insurer it represents information relative to the premium for any policy or risk to be underwritten by that insurer, any agent or broker from disclosing to an insurer it represents any quoted rate or charge offered by another insurer represented by that agent or broker for the purpose of negotiating a lower rate, charge, or term from the insurer to whom the disclosure is made, or any agents, brokers, or insurers from utilizing or participating with multiple insurers or reinsurers for underwriting a single risk or group of risks. Since the provision that would be amended by this bill is part of an initiative statute that may be amended by the Legislature only by a ⅔ vote, the bill would require a ⅔ vote for enactment.

Ch. 1103 (AB 4217) Lempert. Education: finance.

Existing law authorizes a local agency, including a school district or community college district, on or after the first day of any fiscal year to borrow money through a note or notes issued to the lender, as prescribed. The money borrowed may be used and expended for any purpose for which the local agency is authorized to use and expend money, including, but not limited to, current expenses, capital expenditures, investment and reinvestment, and the discharge of any obligation or indebtedness of the local agency.

Existing law requires that the note or notes be issued pursuant to a resolution authorizing the issuance thereof adopted by the legislative body of the local agency, except that the note or notes of a county board of education or a school or community college district that has not been accorded fiscal accountability status pursuant to specified provisions of existing law are required to be issued in the name of the school or community college district by the board of supervisors of the county, the county superintendent of which has jurisdiction over the school or community college district, as soon as possible following the receipt of a resolution of the governing board of the school or community college district requesting the borrowing, and requires that the note or notes of a county board of education be issued in the name of the county board of education by the board of supervisors of the county as soon as possible following the receipt of a resolution by the county board requesting the borrowing.

This bill would direct that, if the county board of supervisors fails to authorize, by resolution, the issuance of certain note or notes as requested by the resolution submitted by the county board of education, school district, or community college district, within 45 calendar days following its receipt of that resolution, or if the county board of supervisors notifies the county board of education, school district, or community college district that it will not authorize that issuance within that 45-day period, that county board of education, school district, or community college district may issue the note or notes in its name, as specified, pursuant to the resolution previously adopted by that entity. The bill would further specify that no county board of supervisors, county treasurer, or county auditor shall be deemed to have any fiduciary responsibility with regard to any note or notes issued in that manner.

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Ch. 1104 (SB 1307) Garamendi. High-speed ground transportation: feasibility study.

(1) Existing law creates the Los Angeles-Fresno-Bay Area/Sacramento High-Speed Rail Corridor Study Group and directs it to study and develop a plan for development of a high-speed rail corridor, as specified, and submit to the Legislature a preliminary report by January 1, 1990, and a final report by July 1, 1990. Also, the Metropolitan Transportation Commission has been requested, in coordination with the Sacramento Area Council of Governments and the Department of Transportation, to conduct an intercity rail corridor upgrade study for the Auburn-Sacramento-Oakland-San Jose corridor and to report to the Legislature thereon by September 9, 1989.

This bill would require the department, when funds are made available, to develop a work plan for, and to contract for, a feasibility study of developing an integrated publicly or privately operated high-speed ground transportation system which includes specified rail corridors.

The bill would require the Director of Transportation to appoint an advisory committee consisting of specified representatives. The bill would require the advisory committee to review and comment on the department's work plan for developing the feasibility study. The bill would require the department to submit the work plan to the California Transportation Commission for review and approval, and would require the commission to report to the Legislature on recommended funding to conduct the feasibility study and a schedule for implementation of the study. The bill would require the department, on completion of the feasibility study, to submit the study to the commission. The commission would be required to review and comment upon the study and return the study, together with its comments, to the department. The department would be required to incorporate those comments in the study and submit it to the Governor and Legislature.

Since some members of the advisory committee would be local government officials, the bill would impose a state-mandated local program.

(2) The bill would appropriate $100,000 from the Transportation Planning and Development Account in the State Transportation Fund to the department for development of the work plan and cost estimates for the feasibility study.

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

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 1105 (SB 1947) Seymour. Vocational education.

Existing law requires the governing board of each school district to adopt alternative means for pupils to complete the prescribed course of study for grades 9 to 12, inclusive.

This bill would include vocational education classes offered in high schools, and courses offered by regional occupational centers or programs within the list of alternative means to complete the prescribed course of study.

Existing law requires the Superintendent of Public Instruction to coordinate the development of model curriculum standards for the course of study for grades 9 to 12, inclusive, and requires the governing board of each school district to compare local curriculum with the model standards not less often than every 3 years.

This bill would require the superintendent to coordinate the development of model curriculum standards for a vocational education course of study, as specified, and would require that the standards be adopted no later than May 1, 1991. The bill would impose a state-mandated local program by requiring governing boards of school districts to compare their vocational education curriculum, course content, and course sequence with the model curriculum standards for a vocational education course of study no less often than every 3 years.

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This bill also would require each school district that expends supplemental grant funding or accepts funds, as specified, to establish district policies for review and comparison of their vocational education classes, as specified, ensure that those classes are equivalent, in terms of content and rigor to the required course of study prescribed by specified provisions of existing law, and develop and implement, in consultation with the regional occupational center or program and community college serving the geographic area of the school, a vocational education program that meets prescribed criteria.

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

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund

Ch 1106 (SB 2106) Doolittle. Collection agencies.

Existing law prohibits the Bureau of Collection and Investigative Services from releasing the home address or home phone number of an applicant for registration or a license, other than to a governmental agency or law enforcement agency, unless the bureau has received a written request for that information and requires the application to contain a statement that the address or phone number of the applicant may be given to any person pursuant to the California Public Records Act.

This bill would delete that provision and would add, as an exception to the disclosure provisions of the California Public Records Act, residence addresses contained in licensure applications and registration applications required by the bureau as specified. The bill would require a statement of that exception to be on all applications for registration or licensure made pursuant to the Collection Agency Act

Ch 1107 (SB 2192) Watson Allied health personnel.

Existing law requires the Office of Statewide Health Planning and Development to perform a variety of tasks related to health planning and research development. Existing law requires the office to appoint an advisory committee to perform tasks relating to the development and implementation of innovative health care career recruitment projects, aimed at recruitment of individuals from groups who have been traditionally underrepresented in health care careers

The bill would require the advisory committee to conduct at least 3 public hearings in various locations throughout the state to study the current and potential role of allied health professionals in health care delivery, with an emphasis on their role in health care delivery in medically underserved areas The advisory committee also would be required to solicit testimony from different professional organizations representing health professionals and allied health professionals, and would be required, during the public hearings, to include the consideration of certain elements

The bill would require the advisory committee to prepare a report of its findings and recommendations and submit the report to the Governor and Legislature on or before June 30, 1992.

The bill would provide for the repeal of its provisions on January 1, 1993

Ch 1108 (AB 3679) Cortese. Court interpreters. [16]

Existing law specifies the duties of the Judicial Council with regard to the administration of the courts.

This bill would require the Judicial Council to make reports to the Governor and to the Legislature regarding court interpreters, as specified.

The bill would also appropriate $125,000 from the General Fund to the Judicial Council for the initial report so required.

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Ch. 1109 (SB 2111) Petris. Hazardous waste: small businesses. [17]

Existing law requires that hazardous waste be managed in accordance with the hazardous waste control laws and the regulations adopted pursuant to those laws. Existing law provides for a specified disposal fee and a tax relating to the disposal, or submission for treatment, of hazardous waste, for payment to the State Board of Equalization for deposit in the Hazardous Substance Account. Existing law establishes the California Environmental License Plate Fund for exclusive trust purposes relating to the protection of the environment.

This bill would make a statement of legislative intent and would require the State Department of Health Services to issue a grant of $400,000 to a county to develop a pilot project to develop a specified environmental educational program and to design and develop a collection system to dispose of hazardous waste generated by small businesses that produce less than 1,000, but more than 100, kilograms of hazardous waste per month, as specified. The bill would specify the information to be submitted by the grant applicant and would specify a schedule for approval of the grant. The bill would require the grant recipient to submit a report to the department by October 1, 1993, describing the implementation of the project, and would require the department to submit the report to the Legislature by December 1, 1993, including any recommendations.

The bill would appropriate $200,000 from the account and $200,000 from the fund to the department to carry out specified provisions of the bill. The bill would prohibit the department from making a grant from these funds unless an amount equal to $1 for every $2 of the grant is made available to the county, from specified sources, for the pilot project.

Ch. 1110 (SB 2179) Robbins. Department of Insurance: reporting requirements.

Existing law imposes various annual reporting requirements on insurers, the Insurance Commissioner, the Judicial Council, and the Bureau of Fraudulent Claims in the Department of Insurance.

This bill would repeal and reenact these provisions, as specified. As reenacted the provisions would be in a consolidated format. Among other things, the bill would remove an existing requirement that the commissioner contract on an annual basis with the Judicial Council for a specified report and would instead require the commissioner to provide the Legislature with that report. The bill would also authorize the required reports to be transmitted by electronic media or data transmission to the receiver's electronic data processing system.

Ch. 1111 (AB 2666) Hansen. Building standards: fire protection.

(1) Existing law, contained in the State Housing Law, requires the State Fire Marshal to adopt fire safety rules, regulations, and building standards, and to enforce building standards published in the California Building Standards Code, for structural safety and fire-resistant exits in multiple-story structures existing on January 1, 1975, let for human habitation, consistent with certain requirements contained in the Uniform Building Code, 1979 edition. Existing law permits a city, county, or city and county, to adopt building standards for those structural fire safety and fire-resistant exits if those standards are substantially equivalent to the building standards published in the California Building Standards Code.

This bill would repeal those provisions and transfer those provisions to sections of the law that relate to the State Fire Marshal and would require the rules, regulations, and standards to be consistent with certain requirements contained in the California Building Standards Code, 1990 edition, or similar successor standards of the California Building Standards Code The bill would also permit a city, county, or city and county, except for state historical buildings, to adopt the above-described building standards if they are more stringent than the building standards published in the California Building Standards Code.

(2) Under existing law, a city, county, or city and county may make modifications to the building standards adopted by the Department of Housing and Community Development and contained in the California Building Standards Code as are reasonably necessary because of local climatic, geological, or topographical conditions. Existing law

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requires the modification to be based upon a finding of that necessity and submittal of the finding to the Department of Housing and Community Development.

This bill would permit a city, county, or city and county to make changes or modifications in the requirements published in the California Building Standards Code relating to fire and panic safety, except for state historical buildings. The bill would require those changes or modifications to be reasonably necessary because of local climatic, geological, or topographical conditions and would require the city, county, or city and county to make an express finding, and to follow certain procedures.

The bill would provide that nothing in those provisions would authorize a local jurisdiction to mandate, or prohibit a local jurisdiction from mandating, installation of residential fire sprinkler systems, as specified, or authorize a local jurisdiction to mandate, or prohibit a local jurisdiction from mandating, retrofitting of residential fire sprinkler systems, as specified, or apply in any manner to litigation filed prior to January 1, 1991, as specified.

The bill would require the agency or entity designated by the city, county, or city and county with jurisdiction in the area affected to enforce building standards not related to fire and safety, also to enforce the building standards adopted pursuant to the above described provisions.

(3) Existing law requires the chief of any city or county fire department or district providing fire protection services, and their authorized representatives, to enforce the building standards and other regulations of the State Fire Marshal in their respective areas.

This bill would instead require the agency or entity designated by a city, county, or city and county with jurisdiction in the area affected to enforce building standards not related to fire and safety, also to enforce the building standards and other regulations relating to fire and panic safety for R-3 occupancies, thereby imposing a state-mandated local program.

The bill would require the chief of any city or county fire department or of any fire district, and their authorized representatives, to enforce the building standards and other regulations of the State Fire Marshal except those described above and except those which the chief fire official or governing body requests the State Fire Marshal to enforce.

(4) Existing law permits a fire protection district to enact ordinances and adopt a fire prevention code by reference.

This bill would also permit a fire protection district to adopt, by ordinance, and pursuant to a specified procedure, building standards relating to fire or panic safety that are more stringent than those adopted by the State Fire Marshal and contained in the California Building Standards Code, as specified, except for state historical buildings.

The bill would provide that nothing in those provisions would authorize a fire protection district to mandate, or prohibit a local jurisdiction from mandating, installation of residential fire sprinkler systems, as specified, or authorize a fire protection district to mandate or prohibit a local jurisdiction from mandating, retrofitting of residential fire sprinkler systems, as specified, or apply in any manner to litigation filed prior to January 1, 1991, as specified.

This bill would require the fire protection district to transmit the adopted ordinance to the city, county, or city and county, where the ordinance will apply, and would authorize that city, county, or city and county, to ratify, modify, or deny the ordinance, as specified. The bill would provide that the agency or entity designated by the city, county, or city and county with jurisdiction in the area affected to enforce building standards not related to fire and panic safety also has the authority to enforce building standards adopted pursuant to the above described provisions.

(5) Existing law requires the State Department of Housing and Community Development to report annually to the State Building Standards Commission the modifications and changes made by cities and counties to the building standards published in the California Building Standards Code.

The bill would require the report to be for informational purposes only, would require the department to make the report in conjunction with the Office of the State Fire

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Marshal by October 1, 1991, and would require the department and the office also to report any more stringent building standards related to fire and panic safety adopted by a city, county, city and county, or fire protection district.

(6) The bill would provide that it would not become operative unless SB 1830 is chaptered.

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

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

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

Ch. 1112 (AB 2771) Cortese. Counties: budget appropriations: disposition of county funds.

Existing law requires a county's budgetary requirements in its final budget to equal available financing.

This bill would additionally require the county's budgetary requirements to equal available financing in its proposed budget.

Existing law provides that amounts of proposed financing uses specified in the county's final budget resolution are appropriated for budget units for the corresponding budget period.

This bill would further provide that the financing uses specified in the final budget resolution would be appropriated at the object level except for fixed assets which would be appropriated at the subobject level.

Existing law requires the county auditor, when appropriations have not been finally determined and adopted at the beginning of a fiscal year, to approve payments for the support of budget units in accordance with specified authorizations. One authorization under these provisions is that the amounts set forth in the proposed budget, with certain exceptions, are deemed appropriated until the adoption of the final budget.

This bill would further except residual equity transfers from that authorization.

Under existing law, another authorization for purposes of these county budget provisions is that if the proposed budget has not been approved by the board of supervisors the amounts deemed appropriated are required to be based on the budget of the preceding year excluding fixed assets, and for new permanent employee positions.

This bill would substitute residual equity transfers for new permanent employee positions for purposes of that exclusion.

This bill would further authorize that obligations for fixed assets, residual equity transfers, and for new permanent employee positions, as specified, are deemed appropriated until the adoption of the final budget if approved by the board of supervisors.

Existing law requires the county auditor to submit a statement to the board of supervisors on the condition of each budget appropriation and the estimated available financing.

This bill would authorize the county auditor to review and issue reports and make recommendations regarding estimated or actual available financing, as well as the status of appropriations. It would further require the county auditor to submit a statement to the board of supervisors on these matters with respect to each separate budget appropriation and the condition of estimated available financing.

These changes in the requirements imposed in conjunction with county budgets would constitute a state-mandated local program.

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

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

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 1113 (AB 3193) Polanco. Hazardous substances cleanup: redevelopment agencies.

Existing law defines "project area" to mean, except as specified, a predominantly urbanized area of a community which is a blighted area, the redevelopment of which is necessary to effectuate specified public purposes, and which is selected by a planning commission pursuant to a specified procedure.

Existing law authorizes a redevelopment agency, or a legislative body which has elected to exercise the powers granted to an agency, to take any actions within a project area which the agency or the legislative body determines are necessary, and which are consistent with other state and federal laws, to remedy or remove hazardous waste from property, if the agency or legislative body obtains written approval from the State Department of Health Services prior to taking that action. Existing law provides for a qualified immunity from liability, except as specified, to public entities for specified acts taken and omissions relating to the abatement of, or, an attempt to abate, hazards reasonably believed to be an imminent peril to public health and safety caused by the discharge, spill, or presence of a hazardous substance, unless the act taken or omission was performed in bad faith or in a grossly negligent manner.

This bill would, until January 1, 1994, authorize the redevelopment agency or legislative body to take any actions, which the agency or the legislative body determines are necessary and which are consistent with other state and federal laws, to remedy or remove a release of hazardous substances on, under, or from property within a project area, under specified conditions; and would delete the requirement that the redevelopment agency or legislative body obtain written approval from the department prior to taking the actions and, instead, require the redevelopment agency to request cleanup guidelines from the department and to provide specified notice to the department and specified local departments before commencement of the activity.

The bill would authorize the department or the California regional water quality control board to require the agency to take, or cause the taking of, additional action, if the remedial or removal action is not satisfactory. The bill would provide that an agency or legislative body which undertakes and completes an action to remedy or remove a hazardous substance release on, under, or from property within a redevelopment project, in accordance with an approved cleanup or remedial action plan which is prepared by a qualified independent contractor, as defined, and any employee or agent of that agency or body, including an instrumentality of the agency, is not liable with respect to that release under specified state laws concerning liability for hazardous substance release cleanup. The bill would extend that immunity to any person who enters into an agreement with an agency for the redevelopment of property, under specified conditions, to any person who acquires the property after a person has entered into an agreement with an agency for the redevelopment of the property, or to any person who provides financing to specified persons. The bill would provide that the immunity does not extend to specified persons for damages. The bill would provide that a responsible party is liable to the agency for the costs incurred by the agency in remedying or removing, or requiring others to remedy or remove, a hazardous substance release. The bill would require the redevelopment agency or legislative body to reimburse the department and the State Water Resources Control Board for their costs to review or approve remedial action or cleanup plans. The bill would specify that the immunity and cost liability provisions apply only to removal or remedial actions which are commenced by an agency before January 1, 1994. The bill would require the department and the board to prepare and submit a report to the Legislature by June 30, 1993, on cleanup actions undertaken by an agency pursuant to these provisions. The bill would define terms.

The bill would make the provision authorizing an agency to take a removal or reme-

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dial action without prior approval inoperative on January 1, 1994, and would, as of that date, authorize the agency to take any action to remedy or remove hazardous waste, pursuant to prior written approval from the department or a California regional water quality control board, as appropriate.

The bill would require an agency which is taking a remedial or removal action to amend its redevelopment plan if the agency determines that it would also take specified actions.

Ch. 1114 (AB 3220) Friedman. Real property: power of termination.

Under existing law, the power to terminate a fee simple estate in real property to enforce a restriction, in the form of a condition subsequent to which the fee simple estate is subject, will expire for specified cause. Under existing law, the expiration of such a power of termination also causes the condition enforceable thereby to lapse.

This bill would specify that a restriction enforceable both as an equitable servitude and by an expired power of termination does not lapse under these provisions, but remains enforceable as an equitable servitude. The bill would state that its provisions are declaratory of existing law.

Ch. 1115 (AB 3396) Baker. State transportation facilities: private construction: leases.

Under existing law, the Department of Transportation is authorized to enter into agreements with private entities for the construction by, and lease to, private entities of 4 transportation demonstration projects, including at least one in northern California and one in southern California. The department is authorized to lease rights-of-way in, and airspace over or under, state highways, to grant necessary easements, and to issue permits or other authorizations to enable private entities to construct transportation facilities supplemental to existing state-owned transportation facilities, and to lease those facilities to the private entities for up to 35 years. The agreements may contain provisions authorizing the private entity to charge tolls for the use of the privately constructed facilities. Under such an agreement, any excess toll revenue is required to be applied to any indebtedness incurred by the private entity with respect to the project or be paid into the State Highway Account in the State Transportation Fund.

This bill would, instead, require excess toll revenues to either be applied to that indebtedness or be paid into the State Highway Account, or both.

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

Ch. 1116 (AB 3476) Peace. Carriers: unlicensed carrier: vehicle seizure.

Under existing law, no person may engage in the transportation of persons by motor vehicle for compensation over the public highways of this state unless he or she has a certificate of convenience and necessity, or a permit to operate as a charter-party carrier of passengers, or unless exempted from this provision. Among the services exempted from this provision is taxicab transportation service licensed and regulated by a city or county by ordinance or resolution, that is provided in vehicles designed for carrying not more than 8 passengers, excluding the driver.

This bill would provide that, whenever a peace officer arrests any person for operating at, or within 100 feet of, a public airport, or within 2 miles of the California/Mexico international border, as a taxicab without a valid taxicab certificate, license, or permit required by any ordinance, or arrests any person at that location for operating as a charter-party carrier of passengers without a valid certificate or permit, the peace officer may impound and retain possession of any vehicle used in violation of that requirement, except as specified. The bill would require the impounding authority to return the vehicle to the owner under specified conditions. The bill would authorize the impounding authority to deal with the vehicle as lost or abandoned property after the expiration of 6 weeks from the disposition of the case.

Ch. 1117 (AB 1696) Bronzan. Child welfare.

(1) Existing law provides for a 2-year pilot program for 3 counties, to include Solano County, in which a county may claim, on an annual basis, an amount equal to 10% of

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the state's share of that county's Aid to Families with Dependent Children-Foster Care (AFDC-FC) program expenditures in advance if the county makes certain showings regarding its provision of family reunification and family maintenance services, subject to certain conditions. The State Department of Social Services is required to report to the Legislature concerning the pilot projects.

This bill would delete references to a pilot project, and would further authorize the participation of up to a total of 15 counties in this program, subject to the approval of the department and the Department of Finance, and subject to additional limitations. All of these county programs would be administered pursuant to specified statutory provisions.

In addition, this bill would require the department to report to the Legislature, by March 31, 1992, on the results of a specified child welfare services study.

(2) Existing law continuously appropriates state funds to the counties for the support and maintenance of needy children, including those children receiving foster care assistance.

This bill, by revising the use for which a specified portion of those continuously appropriated funds may be used, would revise the continuous AFDC-FC appropriation, thereby resulting in an appropriation.

(3) The bill would also reallocate funds appropriated in the Budget Act of 1990 for the purposes of this bill, thereby resulting in an appropriation.

(4) This bill would make various findings and declarations in regard to its provisions.

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

Ch. 1118 (AB 3643) Johnston. Savings associations.

(1) Existing federal law enacted in the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (P.L. 101-73), transfers responsibilities relative to the insurance of deposits of savings associations and regulation of insured savings associations.

This bill would make conforming changes.

(2) Existing provisions of the Savings Association Law prescribe various criminal offenses and penalties.

This bill would revise the penalties applicable for violations of certain of these provisions. The bill would impose a state-mandated local program by making it a felony for any person convicted of a felony offense involving dishonesty or breach of trust to participate in the affairs of a savings association, unless authorized by the prior consent of the Savings and Loan Commissioner, or for a savings association to permit that participation. The bill would impose a state-mandated local program by making it a felony to violate an order of the commissioner, as authorized by the bill, which removes a defined institution-affiliated party or director, officer, or employee of a savings and loan holding company or subsidiary thereof, for prescribed violations of law or administrative orders, engaging in unsafe or unsound practices, or breach of fiduciary duty. The bill would impose a state-mandated local program by making it a felony for defined institution-affiliated parties to abstract or willfully misapply funds, property, or credit of a savings association. The bill would impose a state-mandated local program by making it a felony for institution-affiliated parties to execute or attempt a scheme or artifice to defraud a savings institution or obtain its property by false or fraudulent pretenses. The bill would also authorize prescribed civil penalties for certain violations of the Savings Association Law and would provide for forfeiture of property or proceeds derived from the violations.

(3) Existing law regulates the activities and investments of savings associations.

The bill would prohibit savings associations and their subsidiaries from entering into certain kinds of contracts with defined institution-affiliated parties without the prior approval of the commissioner, and would specify conditions for that approval. The bill would prohibit defined affiliated persons of a savings association from receiving, and prohibit a savings association from giving those persons, compensation for procuring loans. The bill would prohibit savings associations from giving, and any person from accepting, compensation in connection with a referral for defined real estate closing services. The bill would prohibit persons from giving and savings associations from accepting any portion of charges made or received on account of these services in any

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transaction involving a loan made by the association or a subsidiary.

The bill would, with certain exceptions, prohibit savings associations from discriminating against employees and other persons acting on behalf thereof who report violations of savings associations or their officers, directors, or employees to the commissioner, the Attorney General, or a district attorney. The bill would authorize civil remedies for violation of these provisions.

The bill would prohibit defined troubled savings associations from accepting funds, as specified, from defined deposit brokers, unless approved by the commissioner. The bill would authorize the commissioner to impose additional limitations on acceptance of funds from deposit brokers.

The bill would delete an existing condition for unlimited investment in commercial paper and corporate debt securities requiring that the investments be defined and approved by the commissioner's regulations. The bill would revise the maximum amount of total loans to one borrower or for one project. The bill would prohibit savings associations from investing in corporate debt securities unless rated as specified. The bill would limit investment in securities of service corporations and would require the commissioner's approval for single-borrower loans to an association's service corporation or wholly owned subsidiary in excess of the lesser of the association's net worth or 10% of its deposits. The bill would substantially revise the existing authorization to invest in real property. Since the bill would require a $500 filing fee for applications for approval of plans of real estate investment, the bill would make an appropriation as this fee would be deposited in the Savings Association Special Regulatory Fund, which is continuously appropriated.

The bill would authorize savings associations to make residential real estate loans, not exceeding an aggregate 5% of association assets, where the loans are secured primarily by reliance on borrower credit or future income, without other security, or reliance on other assurances for repayment, such as guarantees or obligations of 3rd parties. The bill would remove a requirement for conformity with the commissioner's regulations and reduce from 10% of assets to 5% of assets, the maximum amount a savings association may make on real property where the loan-to-value ratio exceeds the maximum limit, there is a lack of borrower certification or required private mortgage insurance, or the loan would exceed the applicable percentage-of-assets category. The bill would permit savings associations to make loans secured by unimproved real property if the loan does not exceed an 80% loan-to-value ratio.

The bill would require associations undergoing an audit to provide certain information to the auditing certified public accountant. The bill would delete existing provisions defining reporting violations of savings associations and authorizing civil penalties therefor, and would enact new and substantially revised provisions. The bill would delete existing provisions concerning orders of the commissioner relating to violations of law or unsafe and unsound practices by savings associations and certain related entities, and would enact substantially revised provisions. The bill would also delete and enact substantially revised provisions relating to the removal from office of individuals involved in these violations, practices, or breaches of fiduciary duty.

The bill would require the commissioner to publish and make public final orders in administrative enforcement proceedings and modifications or terminations thereof, but would permit the commissioner to delay publication for a reasonable time upon a finding of specified cause.

(4) The bill would also make various other technical and conforming changes.

(5) The bill would provide that various fines and civil penalties imposed pursuant to the bill shall be based upon the ability of the defendant to pay, as specified.

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

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

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Ch. 1119 (AB 3680) Farr. Unemployment insurance: Santa Cruz County Symphony Association.

Existing law permits specified nonprofit organizations which are not registered with the Employment Development Department to elect reimbursement financing when the Director of Employment Development finds that the organization has good cause for failing to register as an employer for purposes of unemployment compensation benefits. Existing law further provides that these organizations shall, upon election, be liable for the cost of benefits chargeable to the organization, and that payment of the cost of benefits shall be made in accordance with prescribed provisions except that benefits paid more than 30 days prior to the date of election shall accrue interest.

This bill would permit the Santa Cruz County Symphony Association to elect reimbursement financing when the director finds that the association made a good faith error in classification of individuals providing services to the association. The bill would provide that interest shall accrue on benefits paid more than 90, rather than 30, days prior to the date of election. However, interest shall not accrue when the cost of benefits paid does not exceed the amount in the reserve account of the association.

This bill would further provide that, to the extent permitted by federal law, if the Santa Cruz County Symphony Association has a favorable reserve account on the date it makes the election, it shall only be liable for the cost of benefits chargeable to the organization which are in excess of the sum of the reserve account and the amount of any assessment for benefits, excluding interest and penalties charged by the department, which has been paid by the association prior to their election.

Under existing law, an election for reimbursement financing made by a nonprofit organization continues in effect for not less than 5 years, and may be terminated by filing a written application for termination during a specified time period.

This bill would provide that an election pursuant to these provisions shall be made only once.

This bill would further provide that specified portions of these provisions shall not be implemented unless approval of these provisions is obtained from the United States Department of Labor, and would require the director to immediately seek this approval.

The bill, in addition, would provide that it is to remain in effect 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.

Ch. 1120 (AB 3773) Hannigan. Child welfare services.

Under existing law, counties are allocated funds to provide assistance under the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, and the state pays 95% of the sum necessary for the adequate care of each child in foster care, while the county is responsible for the remaining 5% share of the cost of providing those services.

Under existing law, the State Department of Social Services is authorized to select not more than 3 counties which may claim, on a 2-year pilot program basis, a portion of the state's share of that county's AFDC-FC expenditures in advance, if the counties show that they will conduct a program of family reunification and family maintenance services for children who have been adjudged wards of the court due to substantial risk of harm inflicted by, or as the result of conduct of, the parent or guardian, or harm which is due to the failure or inability of the parent or guardian to adequately supervise or protect the children, or due to their having been freed for adoption by the parent or parents.

This bill would delete references to a pilot program, and authorize the counties participating in the program to continue to utilize the funding mechanism authorized for the 2-year program after the end of the program, on a 2-year basis, subject to the approval of the State Department of Social Services, if they demonstrate successful outcomes based on the evaluation criteria used to determine the success of the program, until the State Department of Social Services submits the final report to the Legislature on the program.

This bill would also authorize Solano and Alameda Counties to expand their program utilizing the same funding mechanism, on a 2-year project basis, to include children who

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have been adjudged wards of the court for habitual truancy, failure to obey the orders of their parents or guardians, curfew violations, or the commission of crimes.

This bill would provide that any project authorized by this bill shall be deemed successful if certain criteria are met, and would require the State Department of Social Services to submit an interim report to the Legislature after the conclusion of the project. The bill would further require that participating counties submit data to the department upon request of the department and would require that the department continue to report on the programs as part of a specified report.

Existing law continuously appropriates state funds to the counties for the support and maintenance of needy children, including those children receiving foster care assistance.

This bill, by revising the use for which a specified portion of those continuously appropriated funds may be used, would revise the continuous AFDC-FC appropriation, thereby resulting in an appropriation.

This bill would take effect immediately as an urgency statute.

Ch. 1121 (AB 3795) Eaves. Elections: absent voting: applications.

Existing law requires any printed application for an absent voter's ballot which is to be distributed to voters for requesting such a ballot to contain spaces for specified items of information.

This bill would provide that specified items of information may be preprinted on an application, except that the voter shall personally affix the address to which the ballot is to be mailed. It would require any such application to contain a specified statement informing the voter of his or her legal right to mail or deliver the application to the elections official of the county of his or her residence. It would require an application for an absent voter's ballot to be attested to by the voter as to the truth and correctness of its content and to be signed under penalty of perjury.

This bill would require any organization or group that distributes applications for absent voter ballots and receives completed application forms to return the forms to the appropriate elections officials within 36 hours of receiving the completed forms. It would require that any application for an absent voter's ballot which is sent by a group or organization to a voter be nonforwardable. It would require that any ballot returned to an elections official as undeliverable not be forwarded by the elections official.

Existing law imposes infraction penalties upon any individual, group, or organization which knowingly distributes an application for an absent voter's ballot which does not conform to applicable legal requirements.

This bill would impose a state-mandated local program by changing the applicable penalty to a misdemeanor.

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

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

This bill would provide that it shall become operative on July 1, 1990.

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

Ch. 1122 (AB 3797) Lancaster. Automobile insurance: good driver discount.

Existing provisions of law that regulate insurance rates, including provisions which are a part of Proposition 103, an initiative statute which may be amended by the Legislature only by a ⅔ vote and in furtherance of its purpose, provide that a person is qualified to purchase a Good Driver Discount policy if, among other things, he or she has been licensed to drive a motor vehicle for the previous 3 years and meets certain traffic violation criteria for the previous 3 years.

This bill would provide that any person who claims that he or she meets those criteria based entirely or partially on a driver's license and driving experience acquired anywhere other than in the United States or Canada is rebuttably presumed to be qualified

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to purchase a Good Driver Discount policy if he or she has been licensed to drive in the United States or Canada for the previous 18 months and meets those traffic violation criteria for that period.

Ch. 1123 (AB 3861) Farr. Sardines: quota.

(1) Existing law prohibits the taking of sardines except incidentally to other fishing operations, as specified, or pursuant to permits issued under quotas established by the Department of Fish and Game, as specified. Existing law, until January 1, 1991, allocates the quotas to require that 20% be landed north of Point Buchon in San Luis Obispo County and 80% south of that point.

This bill would require the quota, if any is established, to be allocated to require that ⅓ be landed north of San Simeon Point, in which area, the taking of sardines would be prohibited for commercial purposes, except as specified, before August 1 of any calendar year, and ⅔ be landed south of that point. The bill would also delete the provision repealing that requirement on January 1, 1991.

(2) Existing law also provides for an additional quota of 250 tons of sardines for dead bait purposes. Existing law allocates the dead bait quota to require the first 75 tons to be reserved for landings north of Pescadero Point, 50 tons to be reserved for landings between Pescadero Point and Point Buchon, and the remainder reserved for landings south of Point Buchon.

This bill would revise the boundaries and amounts allocated from this quota of sardines for dead bait purposes to reserve 62 tons for landings north of Pescadero Point, 62 tons for landings between Pescadero Point and San Simeon Point, and the remainder for landings south of San Simeon Point.

(3) Because existing provisions of law would make violations of the bill a crime, the bill would impose a state-mandated local program by extending the effective date of certain of these provisions.

(4) Existing law continuously appropriates the money in the Fish and Game Preservation Fund to the department to carry out its duties under the Fish and Game Code.

Because this bill would impose prescribed duties for an extended period of time on the department with regard to sardine quotas, it would make an appropriation.

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

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

Ch. 1124 (AB 3870) Statham. Developmentally disabled persons: medical care: respite workers.

Existing law authorizes the provision of certain respite services for developmentally disabled persons who are clients of regional centers and who receive services at home.

This bill would authorize, until January 1, 1994, persons who provide respite care services to developmentally disabled persons who are clients of a regional center to perform gastrostomy care and feeding of those clients, after successful completion of training pursuant to a protocol which is approved by the State Department of Developmental Services, and would specify the requirements for the training protocol. It would also require the regional center and the agency providing the services of the in-home respite worker to ensure that certain standards are met in regard to those services.

This bill would require the department to submit a report to the Legislature no later than January 1, 1993, regarding the program authorized by this bill.

Ch. 1125 (AB 3881) D. Brown. Remedies: deficiency liability.

Under existing law, if a secured party under a security agreement is entitled to make collections on collateral, such as accounts receivable, and undertakes to collect from the account debtors or obligors, the secured party is required to proceed in a commercially reasonable manner. Under existing law, if the security agreement secures an indebtedness, the secured party must account to the debtor for any surplus, and unless otherwise agreed to, the debtor is liable for any deficiency, except that if the underlying transac-

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tion was a sale of accounts or chattel paper, the debtor is entitled to any surplus or is liable for any deficiency only if the security agreement so provides.

This bill would provide instead that if the security agreement secures an indebtedness, the debtor is liable for any deficiency unless otherwise agreed, but only if the secured party in collecting has proceeded in a commercially reasonable manner, or, if not, only to a specified extent.

Under existing law, a secured party may sell, lease, or otherwise dispose of collateral, but requires disposition in accordance with certain procedures and in a commercially reasonable manner. Under existing law, if the security interest secures an indebtedness, the debtor is liable for any deficiency unless otherwise agreed, except that certain statutes relating to consumer transactions prohibit liability for a deficiency in various circumstances.

This bill would provide that if the security interest secures an indebtedness, the debtor is liable for any deficiency unless otherwise agreed or otherwise provided in specific statutes, but only if the debtor was given required notice, and the disposition was conducted in good faith and in a commercially reasonable manner. In other cases, the debtor would be liable only to a specified extent, and there would be no deficiency liability for consumer indebtedness of $100,000 or less, or other liability of $50,000 or less.

The bill would specify exceptions to these added provisions for transactions entered by a debtor for personal, family, and household purposes.

The bill would make various related changes.

The above provisions would be repealed on January 1, 1996.

The bill would also require the California Commission on Uniform State Laws to conduct a specified study.

Ch. 1126 (AB 3894) Filante. Crimes: looting.

Existing law provides that persons convicted of second degree burglary and grand theft are punishable by imprisonment in a county jail for not more than one year or by imprisonment in the state prison.

Existing law also provides that persons convicted of petty theft are punishable by a fine not exceeding $1,000 or by imprisonment in the county jail not exceeding 6 months, or both.

This bill also would provide that every person who commits the crime of second degree burglary or grand theft during and within an affected county in a "state of emergency" or a "local emergency," as defined, would be guilty of the crime of looting punishable by imprisonment in a county jail for one year or in the state prison. In addition, the bill would provide for a mandatory time in jail for at least 180 days, if probation is granted, except in unusual cases, as specified.

The bill also would provide that every person who commits the crime of petty theft during and within an affected county in a "state of emergency" or a "local emergency," as defined, would be guilty of a misdemeanor punishable by imprisonment in a county jail for not more than 6 months. In addition, the bill would provide for a mandatory time in jail for at least 90 days, if probation is granted, except in unusual cases, as specified.

Because the bill would create new crimes, it would constitute a state-mandated local program.

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

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

Ch. 1127 (AB 3950) Lempert. Mental health: Short-Doyle: county interagency council.

Existing law authorizes Ventura County to establish an interagency council to formulate case management plans for users of Short-Doyle mental health services whose behavior has resulted in the involvement of specified local agencies.

This bill would, in addition, authorize San Mateo County to establish an interagency council for this purpose.

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This bill would limit the information exchanged between agencies regarding a client to the minimum information necessary to formulate the client's case management plan, and would prohibit the disclosure of the client's written mental health case record. It would permit the information to be exchanged only after the county mental health director has made reasonable efforts to obtain written authorization from the client and documented these efforts in the client's record.

This bill would repeal these provisions as of January 1, 1994.

Ch. 1128 (AB 3968) Costa. State contracts: ratification.

Existing law does not specify a timetable for execution of a contract for professional consulting services after award of the contract.

This bill would require the state, in the case of contracts for architectural, engineering, land surveying, environmental, or construction project management services, to provide written instructions to the successful bidder regarding the negotiations which will lead to execution of a contract. The bill would require that contracts be completed by the state within 45 days of the completion of negotiations unless negotiations reach an impasse, as specified.

The bill would also provide that the contractor should be notified if additional time is necessary to begin negotiations or complete the contract.

Ch. 1129 (AB 4176) Bronzan. Pest control: pesticides: testing.

(1) Under existing law, the Department of Food and Agriculture is required, commencing in 1990, to expand and maintain its pesticide residue monitoring program beyond the 1988 level. That program is required to be prioritized to consider pesticides of greatest health concern and contribution to dietary exposure, and for various sensitive subpopulations, including children.

This bill would require the program to be prioritized for various subpopulations which may be uniquely sensitive to pesticide residues, with special emphasis on infants in addition to children.

(2) Existing law requires commercial laboratories conducting pesticide residue analyses on produce or plant tissues to register annually with the department, as prescribed.

This bill would repeal that provision.

(3) Existing law, until January 1, 1993, requires the Director of Food and Agriculture to establish a Pest Control Research Committee to advise the director on pest control matters and to make recommendations to the director related to the funding of various research proposals. Existing law requires the director to make funds available to qualified public and private entities to conduct pest management research projects, with an emphasis on projects that will result in the reduction of pesticide use, the use of safer pesticides, or minimizing pesticide residues.

This bill would reorganize and recast those provisions. The bill would require the department to establish a competitive grants program to make funds available to qualified public and private entities to conduct prescribed pest management research projects. The bill would delete the existing provisions establishing a Pest Control Research Committee in the department and would, instead, require the director to establish a Pest Management Research Committee, with prescribed membership, powers, and duties, which would award funds under the competitive grants program, as prescribed. The bill would require the director to establish a Pest Control Research Screening Committee, which would function as a scientific peer review committee on general pest management research proposals, and a Pest Science and Technology Screening Committee, which would function as a scientific peer review committee on exotic pest research proposals. The bill would prescribe the membership of these committees and would authorize reimbursement of the members for their expenses.

The bill would require the department to make specified annual reports to the Legislature.

Ch. 1130 (AB 4302) Frazee. Local agencies: revenue bonds.

Under the existing Revenue Bond Law of 1941, local agencies are authorized to issue bonds to finance any enterprise, as defined. Under that existing law, the legislative body

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is authorized to determine and provide, by resolution, for the interest of the bonds not exceeding 8% a year, payable annually or semiannually. Existing law also permits the legislative body to determine and provide, by resolution, the form of the bonds, coupon, or registered.

This bill would define "bonds" for purposes of the Revenue Bond Law of 1941 to include notes or other obligations issued by a local agency and payable from revenues of an enterprise and other funds upon which the notes or obligations are to be made a charge and from which they are to be payable. The bill would instead authorize local agencies to determine and provide, by resolution, for the interest on the bonds either fixed or variable, the rate or rates with specified limitations, payable at the times and in the manner specified therein, and would permit the legislative body to determine and provide, by resolution, the form of the bonds, coupon, registered, or book entry.

Existing law requires the legislative body of each local agency to comply with a specified bidding procedure in the sale of the bonds.

The bill would repeal that requirement.

Existing law requires the premium paid on any bond not to exceed 6% of the par value of the bond.

This bill would instead permit the legislative body to determine the amount of premium payable on any bonds.

Existing law permits the legislative body to sell bonds at a price below par, provided, however, that the discount on any bonds sold cannot exceed 6% of the par value thereof.

This bill would instead permit the legislative body to sell bonds at a price above or below par in a manner at public or private sale as the legislative body determines by resolution. The bill would also require, in the event that the legislative body decides to sell the bonds at private sale rather than public sale, that the legislative body communicate its reasons for that decision in writing to the California Debt Advisory Commission, as specified.

Existing law specifies that the payment of interest on and principal of the revenue bonds, and any premiums upon their redemption, are secured by an exclusive pledge, charge, and lien upon all of the revenues of the enterprise and other designated funds.

This bill would eliminate the requirements that the pledge, charge, and lien be exclusive, and that all of the revenues of the enterprise be obligated as security for the bonds.

Ch. 1131 (AB 4349) Filante. Vocational nursing.

Existing law prescribes the fees relating to the practice of vocational nursing.

This bill would increase those fees and would add a fee for a duplicate license and a fee for endorsement of a license.

Existing provisions of the Business and Professions Code continuously appropriate the moneys in the Vocational Nurse and Psychiatric Technician Examiners Fund. Because this bill would increase the amount of moneys in the fund, it would constitute an appropriation.

The bill would also require the Auditor General to review and report to the Legislature on or before January 1, 1992, concerning the operations of the Board of Vocational Nurse and Psychiatric Technician Examiners.

Ch. 1132 (AB 3642) Johnston. Automobile insurance: assigned-risk plan.

Existing law authorizes subscribing insurers to form their own organization to administer and operate an assigned-risk plan for applicants for automobile bodily injury and property damage liability insurance who are otherwise unable to obtain that insurance, subject to review by the Insurance Commissioner.

This bill would, instead, require the commissioner to appoint a 15-member advisory committee, as specified, and to administer and operate the plan. The bill would require the advisory committee with the approval of the commissioner to appoint a manager, as specified, and to employ sufficient personnel to provide services necessary to the operation of the plan. The bill would also require the commissioner to annually report to the Legislature on the operation of the plan, as specified.

The bill would provide that the advisory committee shall have standing to bring suit

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in the name of the plan.

Ch. 1133 (AB 3536) Eastin. Long-term care facilities.

(1) Existing law requires citations issued pursuant to the Long-Term Care, Health, Safety, and Security Act of 1973 to be classified according to the nature of the violation as a class "AA," "A," or "B" violation. Existing law also specifies different procedures for a licensee to contest a class "AA" or "A" citation or the proposed assessment of a civil penalty therefor, and to contest a class "B" citation or the proposed assessment of a civil penalty therefor.

Existing law also provides that when a licensee notifies the director of its intent to contest one or more citations or decisions made following a citation review conference where the total penalties do not exceed $15,000, either the state or the licensee may elect to submit the matter to binding arbitration

This bill would increase the penalty limit to $25,000. This bill would provide that either the State Department of Health Services or the licensee may elect to submit the matter to binding arbitration by filing, within 60 days of the notice, a request for arbitration with the American Arbitration Association. It also would provide that if the total penalties exceed $25,000, the parties may mutually agree to binding arbitration.

This bill would require the department to make available, upon request, information on the impact of the above-described changes on the type and disposition of citations and decisions submitted to binding arbitration.

(2) Existing law provides that each municipal and justice court has original jurisdiction of civil cases and proceedings in actions brought pursuant to the above act if civil penalties are not sought or amount to $15,000, or less.

This bill would increase the penalty limit to $25,000.

Ch. 1134 (SB 1967) Lockyer. Long-term health care facilities.

(1) Existing law grants jurisdiction to municipal and justice courts in civil actions to enforce the Long Term Care, Health, Safety and Security Act of 1973 if the civil penalties sought do not exceed $15,000.

This bill would allow those actions if the civil penalties sought do not exceed $25,000.

(2) Existing law requires the State Director of Health Services to issue a citation to the licensee of a long-term health care facility if the State Department of Health Services, upon inspection or investigation, finds that the long-term health care facility is in violation of any law relating to its operation. Existing law classifies the violations and assigns a civil penalty of not less than $5,000 and not more than $25,000 to class "AA" violations and not less than $1,000 and not more than $10,000 to class "A" violations. Existing law authorizes the licensee to contest a citation by requesting a citation review conference with the designee of the director of the department for the county in which the long-term health care facility is located. Under existing law, the decision of the director's designee may be contested by the licensee through judicial appeal. If the penalties are $15,000 or less and upon the licensee notifying the director of its intent to contest one or more citations or decisions following a citation review conference, either the department or the licensee may elect to submit the matter to binding arbitration.

This bill would authorize either the department or the licensee to elect to submit the matter to binding arbitration if the penalties are $25,000 or less by filing, within 60 days of the licensee's notice to contest, a request for arbitration with the American Arbitration Association. The bill would authorize arbitration for matters where the penalty is more than $25,000 if both the parties mutually agree to submit the matter to binding arbitration.

This bill would require the department to make available, upon request, information on the impact of the above-described changes on the type and disposition of citations and decisions submitted to binding arbitration.

Ch. 1135 (SB 823) Bergeson. Special education.

Existing law establishes a formula for the computation of state apportionments to school districts, special education local plan areas, and county offices of education for special education programs and services offered to individuals with exceptional needs.

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Existing law additionally prescribes a formula for eligibility for state funding of special education local plan areas of instructional personnel service units for designated services provided to eligible pupils.

This bill would prescribe criteria under which special education local plan areas would be eligible to be designated as a special education local plan area with small or sparse populations, as defined. The bill would authorize special education local plan areas with small or sparse populations to be eligible to request an exemption from compliance with designated standards, ratios, and criteria relating to the computation of instructional personnel service units and placement standards for the implementation of individualized education programs for a period of 3 years.

This bill would also authorize the superintendent to grant waivers for up to 3 years of the instructional personnel service units standards, ratios, and criteria for sparsely populated and isolated schools, as defined.

This bill would authorize designated special education local plan areas requesting exemptions to retain, as minimum annual authorization, the number of authorized instructional personnel service units that it reported as operated at the second principal apportionment of the fiscal year immediately preceding the initial year of implementation of the local plan submitted in which the local plan area was designated as a small or sparsely populated area. This bill would require that designated local plan areas include a maintenance of service section in the plan. This bill prescribes procedures for amending the maintenance of service section for increases or decreases of instructional personnel service units, as required.

Ch. 1136 (SB 1561) Seymour. California Maritime Academy.

Existing law provides for a nautical school known as, but not required to be known as, the California Maritime Academy in the State Department of Education, the superintendent of which is the commander of the school.

This bill would require the nautical school to be known as the California Maritime Academy, change the designation to provide that the president of the academy is commander of the school, and make other conforming changes.

Existing law authorizes the California Maritime Academy Board of Governors to contract with private, nonprofit auxiliary organizations for the provision to the academy, on a nonprofit basis, as specified, of certain commercial and other programs or services that conform to the purposes of the academy. Existing law requires that those auxiliary organizations meet specified conditions, including the requirement that they be operated in conformity with policies adopted by the board of governors.

This bill, in addition, would require those auxiliary organizations to conform to certain additional conditions relating to accounting and financial standards, including the performance of annual audits, the salaries, working conditions, and other benefits of employees, the establishment of a board of directors, and the adherence to certain rules concerning conflict of interest.

The bill would also provide that the California Maritime Academy Foundation is deemed to be an auxiliary organization for these purposes.

Ch. 1137 (SB 1907) Mello. Care facilities.

(1) Existing law requires that each licensed residential care facility for the elderly reveal its license number in all advertisements, publications, or announcements made with the intent to attract clients or residents.

This bill would make a technical nonsubstantive change in that provision.

(2) Existing law specifies services provided by residential care facilities for the elderly.

This bill would prohibit admission or retention of a resident in a residential care facility for the elderly if the resident requires 24-hour skilled nursing or intermediate care, or the resident is bedridden, as defined, other than for a temporary illness, as defined, or for recovery from surgery, and would require written notification to, and a determination by, the department, as specified, for a resident to be retained at a residential care facility for the elderly in excess of 14 days. The bill would require the facility to notify the local fire authority within 48 hours of admission or retention of a bedridden

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resident, as specified.

This bill would provide that it does not prohibit the Community Care Licensing Division of the department from continuing to implement specified regulations.

This bill, by establishing these additional requirements, would expand the scope of an existing crime and would, thereby, impose a state-mandated local program.

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

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

Ch. 1138 (SB 2033) Mello. Law enforcement employees: AIDS.

Existing law requires a law enforcement employee, as defined, to report any instance in which he or she comes into contact with the bodily fluids, as defined, of certain persons, to the chief medical officer, as defined, of each correctional, custodial, or law enforcement agency who would make a determination, based primarily upon medical reasons, as to whether HIV testing will be required for the subject of the report.

This bill would require the specified agency or the chief medical officer of each correctional, custodial, or law enforcement agency, which includes local law enforcement agencies, to report each reportable incident, as specified, together with its disposition to the State Department of Health Services. The bill would prohibit transmitting the identity of the law enforcement employee, any person who is the subject of the report, any tested person, or the source person, as described, to the state department. To the extent that local law enforcement agencies would be required to make these reports to the State Department of Health Services, the bill would impose a state-mandated local program.

The bill would additionally require the State Department of Health Services to release the data, upon written request, to any law enforcement agency or to specified nonprofit entities, and to report to the Legislature on or before July 1 of each year, as specified. The bill would make it a misdemeanor to release certain information obtained from the data. To the extent that the bill creates a new crime, the bill imposes a state-mandated local program.

The bill also would provide that its provisions shall be repealed as of January 1, 1996.

This bill would provide that the purpose of these provisions is to establish the extent of peace officers' occupational exposure to HIV infection.

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

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

However, the bill also would provide that if the Commission on State Mandates determines that this bill contains other costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 1139 (SB 2039) Bergeson. Community care facilities: therapeutic day services.

(1) Under existing law, the California Community Care Facilities Act provides for the placement of children and adults with developmental disabilities, mental disorders, or physical disabilities in licensed community care facilities, as defined. The State Department of Social Services administers the act. Among the types of community care facilities are day treatment facilities, which provide nonmedical care, counseling, education or vocational support, or social rehabilitation services on less than a 24-hour basis to persons under 18 years of age, as specified.

This bill would redesignate day treatment facilities as therapeutic day services facilities.

Under provisions of law which were repealed on July 1, 1990, the department, with

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the advice and assistance of representatives of the counties and day treatment providers, was required to establish regulations for licensed day treatment facilities no later than January 1, 1989.

This bill would add a similar provision which would be effective until July 1, 1995, and would require the department to adopt regulations for licensed therapeutic day services facilities no later than July 1, 1992.

(2) Under existing law, the state, through the State Department of Social Services and county welfare departments, is required to establish and support a public system of statewide child welfare services, as defined.

This bill would include therapeutic day services within the scope of these child welfare services, thereby imposing a state-mandated local program.

(3) Under existing law, the State Department of Social Services is required to establish an advisory committee, as specified, to assist the department in the development of day treatment standards. The department is required to submit a report on day treatment to the Legislature no later than April 1, 1988.

This bill would delete those provisions and would add a similar provision which would revise the composition of the committee, and would require the advisory committee to assist the department in the development of therapeutic day services standards. The department would be required to develop, with the assistance of the advisory committee, and submit a report on day services to the Legislature no later than October 1, 1991.

The bill would require the Director of Social Services to report to the Legislature immediately upon making the appointments to the advisory committee. It would make all of the above provisions relating to the advisory committee inoperative one year from the date of the director's report and would repeal these provisions on the January 1 following the inoperative date.

(4) This bill would also make related, technical changes.

(5) This bill would incorporate additional changes to Section 1502 of the Health and Safety Code, proposed by AB 3935, to be operative only if both bills are chaptered and this bill is chaptered last.

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

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

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

Ch. 1140 (SB 2149) McCorquodale. Striped bass: license stamps.

(1) Until January 1, 1991, existing law requires a striped bass stamp to be affixed to a sportfishing license to authorize the licensee to take striped bass, the revenues from which are required to be expended for the preservation and enhancement of the striped bass fishery in this state upon appropriation by the Legislature.

This bill would extend that law until January 1, 1995, thereby imposing a state-mandated local program by creating a crime during that extended period. The bill would delete the authorization to allocate those funds for preservation and enhancement purposes and would, instead, authorize the use of the revenues from the stamp fees to be used for restoration of the striped bass fishery, consistent with a prescribed striped bass restoration and management plan prepared by the Department of Fish and Game, and the costs of administering and reporting the status of the striped bass activities funded by those fees, thereby making an appropriation. The bill would require the department to notify the appropriate policy committees of the Legislature and a specified advisory committee not less than 30 days prior to expending any of these revenues for any purpose or activity which is not consistent with that plan. The bill would require the Director of Fish and Game to appoint an advisory committee, as specified, to provide recommendations on the allocation of the stamp revenues. The bill would require that

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the advisory committee members be reimbursed for their expenses, as specified, from the stamp fee revenues, thereby making an appropriation.

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

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

Ch. 1141 (SB 2295) Morgan. Public Assistance: GAIN: child care.

Under the Greater Avenues for Independence (GAIN) program, recipients of job training and education services may receive child care services by care givers which are exempt from licensure, if specified information is provided by the care givers and is on file with the county welfare department or the contractor paying for the services. The county welfare department is not specifically authorized to deny placement based on this information.

Under existing law, among the information to be maintained by county welfare departments about care givers which are exempt from licensure is a statement from the care giver regarding his or her experience and any criminal record.

This bill would require that this statement be made under penalty of perjury, thereby creating a new crime, and resulting in a state-mandated local program.

This bill would authorize a county to deny payments to a child care provider who is exempt from licensure if the child care provider has been convicted of certain crimes.

The bill would require any county which institutes that payment denial, and which is required to make a report pursuant to specified provisions, to immediately refer the case to the child protective services agency, thereby resulting in a state-mandated local program, and would authorize the county to deny payment pending disposition of the case.

The bill would authorize a county to temporarily defer a GAIN participant's participation in the program if the participant does not change child care providers during the pendency of the investigation.

The bill would require each county, in the implementation of the GAIN program, to provide training to county employees who are responsible for the provision of, or arrangement of, child care services provided by providers who are exempt from licensure, thereby resulting in a state-mandated local program.

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

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

This bill would also provide that no reimbursement is required by the portion of this act which creates a new crime.

Ch. 1142 (SB 2382) Deddeh. Alcohol and drug abuse: Asians and Pacific Islanders.

Under existing law, the State Department of Alcohol and Drug Programs, among other things, provides funds to counties for the planning and implementation of local programs related to inappropriate alcohol and drug use.

This bill would require the Director of Alcohol and Drug Programs to provide funding for the establishment of 3 pilot projects, as specified, aimed at the prevention and nonresidential treatment of alcohol and drug abuse in Asian and Pacific Islander communities. The bill would require the pilot projects to operate for 3 years, and to meet certain requirements. The bill would require the department to evaluate the pilot projects and submit a report, as specified, to the Legislature no later than December 1, 1994.

This bill would require the department to use, to the extent permitted by federal law,

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$300,000 of available federal Alcohol, Drug Abuse, and Mental Health Services Block Grant funds for the pilot projects for the first year of implementation.

Ch. 1143 (SB 2520) Keene. Sweetwater Springs Water District.

Existing law, with respect to water corporations and water companies, requires the superior court to take jurisdiction over petitions filed with the Public Utilities Commission by a political subdivision that proposes to acquire any property of a public utility for the purpose of determining just compensation for the property.

This bill would require the commission to retain jurisdiction over any proceeding commenced prior to January 1, 1992, with the commission by the Sweetwater Springs Water District to acquire by eminent domain the property of the Citizen's Utilities Company of California in its service area in Guerneville, Sonoma County, subject to specified findings by the commission. The bill would make legislative findings and declarations.

Ch. 1144 (SB 2751) Marks. Consumer credit reporting agencies.

Existing law regulates consumer credit reporting agencies, as defined.

This bill would add to the definition of item of information for these purposes any informative entries in a credit report which cause a creditor to deny an applicant a checking account with a bank or other financial institution. The bill would also provide that any person who, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling, evaluating, or disseminating information on the checking account experiences of consumer customers of banks or other financial institutions is subject to the same laws that govern consumer credit reporting agencies.

Ch. 1145 (AB 325) Clute. Water conservation: landscaping ordinance.

(1) Under existing law, local agencies are not required to adopt ordinances concerning landscape water conservation.

This bill would require the Department of Water Resources by February 1, 1991, to appoint an advisory task force to work with the department in the drafting of a model water efficient landscape ordinance and to submit the recommended ordinance to the department by May 1, 1991. The bill would require the department by January 1, 1992, after holding a public hearing, based on recommendations of the task force, to adopt a model local water efficient landscape ordinance which each local agency, as defined, may adopt. The bill would provide that if any local agency has not adopted a water landscape ordinance or findings, based on specified factors, that no ordinance is necessary, by January 1, 1993, the model ordinance shall take effect and shall be enforced by that local agency and have the same force and effect as if adopted by that local agency. The bill would require each local agency, not later than January 31, 1993, to file with the department a copy of the water efficient landscape ordinance adopted, or the findings which state that no ordinance is necessary, thereby imposing a state-mandated local program.

The bill would require the department to report to the Legislature on the status of these local ordinances by July 1, 1993.

The bill would require the model ordinance to contain specified provisions and would specify related matters.

The bill would make legislative findings and declarations and would declare legislative intent.

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

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

Ch. 1146 (AB 2964) Leslie. Retired judges: assignment.

Existing law provides for the assignment of retired judges to sit in trial courts, as specified.

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This bill would require the Judicial Council to contract with up to 10 retired judges to be available for assignment to trial courts in counties which have requested the judges, subject to a priority for counties with fewer than 10 judges. The judges would be compensated, as specified. The bill would require the county to which such a judge is assigned to reimburse the state for the judge's expenses, the amount of his or her salary, and as specified. The bill would also provide that a court may not request an assigned judge unless there are sufficient funds in the court's budget to pay the required reimbursement.

Ch. 1147 (AB 2977) Eastin. San Francisco Bay Area Rapid Transit District: revenue bonds.

Under the San Francisco Bay Area Rapid Transit District Act, the San Francisco Bay Area Rapid Transit District is authorized to issue revenue bonds. With specified exceptions, the Revenue Bond Law of 1941 is made applicable to the issuance of those bonds.

This bill would authorize revenue bonds of the district to be sold through negotiated sale, pursuant to specified requirements, and therefore not be subject to a provision of the Revenue Bond Law of 1941 requiring the sale of revenue bonds of a local agency to the highest responsible bidder after notice inviting sealed bids.

Ch. 1148 (AB 3417) Margolin. Beverage containers: dealers and importation of beverage containers.

(1) Under existing law, the California Beverage Container Recycling and Litter Reduction Act, every beverage container sold or offered for sale in this state is required to have a specified minimum refund value. Existing law requires all dealers within a convenience zone which does not have at least one certified recycling location, as prescribed, or which has exceeded a 90-day period for the establishment of a recycling center, to make a specified payment or submit an affidavit form, stating that certain standards of beverage container redemption are being met by the dealer. Existing law requires every dealer to identify by a sign posted at the entrance to the dealer's place of business specified beverage container redemption information. A violation of the act is a crime and the penalties for violation are deposited into the California Beverage Container Recycling Fund, which is continuously appropriated to the Department of Conservation for expenditure to carry out the act. The department is authorized to use all expertise available in other state agencies to carry out the act.

This bill would revise the beverage container redemption information which the sign may contain at a dealer's place of business and would require the sign to be posted at each public entrance. The bill would require that the dealer affidavit form state that the specified standards are being met by the dealer and would require the form to contain a statement that the dealer has posted signs which meet specified requirements, thereby imposing a state-mandated local program by creating new crimes. Since the penalties for violation would be deposited in the fund, the bill would make an appropriation.

The bill would authorize the Department of Food and Agriculture, as requested by the department, to collect and report information regarding the importation of filled or postfilled beverage containers. The bill would require the plant quarantine officers and supervisors of the Department of Food and Agriculture to collect, compile, and report the information.

(2) Existing law requires the department to submit a report to the Legislature, by October 1, 1990, concerning the effectiveness of convenience zones and certified recycling centers in encouraging recycling and the advisability of revising the act's requirements concerning convenience zones and certified recycling centers.

This bill would change the date when the report is due to March 1, 1991.

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

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

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Ch. 1149 (AB 3425) Lancaster. Department of Personnel Administration: annuity contracts.

Under existing law, the Department of Personnel Administration is authorized to establish a deferred compensation plan for state officers and employees.

This bill would authorize the department to administer the purchase of specified annuity contracts and prescribe regulations in connection thereto, as specified.

Ch. 1150 (AB 3529) Chacon. Housing: second units.

Under existing law, any city, including a charter city, county, or city and county may issue a zoning variance, special use permit, or conditional use permit for a dwelling unit to be constructed, or attached to, a primary residence on a parcel zoned for a single-family residence, if the dwelling unit is intended for the sole occupancy of one adult or 2 adult persons who are 60 years of age or over and the area of floor space of the dwelling unit does not exceed 640 square feet.

This bill would, instead, permit any city, including a charter city, county, or city and county to issue a zoning variance, special use permit, or conditional use permit for a dwelling unit to be constructed, or which is attached to or detached from, a primary residence on a parcel zoned for a single-family residence, if the dwelling unit is intended for the sole occupancy of one adult or 2 adult persons who are 62 years of age or over, and the area of floor space of the attached dwelling unit does not exceed 30% of the existing living area or the area of the floor space of the detached dwelling unit does not exceed 1,200 square feet.

Under existing law, if a local agency has not adopted an ordinance governing 2nd units in accordance with specified law, it is required to grant a special use or a conditional use permit for the creation of a 2nd unit if the 2nd unit complies with certain conditions, including the condition that any increase in the floor area of an attached 2nd unit not exceed 15% of the existing living area and the condition that the total area of floor space for a detached 2nd unit not exceed 640 square feet.

This bill would instead require that if a local agency has not adopted an ordinance governing 2nd units in accordance with specified law, it is required to grant a special use or a conditional use permit for the creation of a 2nd unit if the 2nd unit complies with those certain conditions, including the condition that any increase in the floor area of an attached 2nd unit not exceed 30% of the existing living area and the condition that the total area of floor space for a detached 2nd unit not exceed 1,200 square feet.

Ch. 1151 (AB 4046) Hauser. California Seafood Council.

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

This bill would create the California Seafood Council, with a prescribed membership appointed by the Director of Food and Agriculture. The bill would require the council to provide advice to, and perform duties delegated to it by, the director, including programs to promote fisheries, as defined, to conduct research, and to engage in specified promotion and educational programs.

The bill also would require receivers and fishermen, as defined, to pay a specified assessment to the director who would be required to expend and invest the assessment for purposes of the bill, thereby making an appropriation.

The bill would provide for referendum voting by receivers and fishermen to determine whether the council should be implemented, whether different species should be included in the programs, and whether the operation of the council should be continued.

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

This bill would make violations of its provisions a misdemeanor, thereby imposing a state-mandated local program.

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

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Ch. 1152 (AB 4118) Epple. Democratic state central committee.

Existing law requires that the state central committee of the Democratic Party convene in Sacramento after a general election between January and March, as specified.

This bill would require the State Central Committee of the Democratic party to convene in Sacramento after a general election in March, as specified.

Ch. 1153 (AB 4300) Farr. Dogs: retail dealers: notice: sale of diseased or sick dogs.

Existing law specifies certain requirements of persons engaged in the business of retail sale of dogs or cats, or both, including, but not limited to, examination for sickness, separation of sick animals, and delivery of a notice to the purchaser regarding any known disease or sickness afflicting the dog or cat at the time of sale. Violation of these provisions is subject to civil penalty of $250.

This bill would prohibit any retail dealer from knowingly selling any dog which is diseased, ill, or has a condition that requires hospitalization or surgical procedures, and, in lieu of the $250 civil penalty, would impose maximum civil penalties of from $1,000 to $10,000, and would prohibit violators from selling dogs at retail for a maximum of 30 days to a year, or both, depending on the existence of prior offenses, as specified. It would modify the purchaser notice requirement to, instead, require a statement of any veterinarian treatment or medication received by the dog while in the possession of the retail dealer, and either a statement that the dog has no known disease, illness, or condition that requires hospitalization or surgical procedures at the time of sale, or a record of any known disease, illness or condition that requires hospitalization or surgical procedures, as specified.

This bill would also require a notice to be conspicuously posted on the cage of any dog displayed for sale by a retail dealer indicating the state in which the dog was bred and brokered. It would require additional information to be made available, upon request, to prospective purchasers, and would require a notice regarding the availability of this information to be conspicuously posted, as specified.

Ch. 1154 (SB 389) Seymour. Income taxes: credits: qualified head of household.

The existing Personal Income Tax Law authorizes various credits against the taxes imposed by that law.

This bill would provide a credit in an amount equal to 2% (not to exceed $750) of the taxable income for an individual (1) who has attained the age of 65 before the close of the taxable year, (2) who qualified as a head of household under specified provisions for either of the 2 taxable years immediately preceding the taxable year by virtue of maintaining a household for a qualifying individual who died during either of the 2 taxable years immediately preceding the taxable year, and (3) whose adjusted gross income does not exceed $37,500.

This bill would take effect immediately as a tax levy.

Ch. 1155 (SB 2172) Kopp. Crimes: obstructing officers.

Existing law makes it a misdemeanor, punishable as specified, for any person to willfully resist, delay, or obstruct any public officer, peace officer, or medical technician, as defined, in the discharge or attempt to discharge the duties of their office or employment.

This bill would make it a felony or a misdemeanor, punishable by imprisonment in the state prison for 2, 3, or 4 years, or by a fine, as specified, or by imprisonment in the county jail, or by a fine, as specified, or by both a fine and imprisonment, whenever as a proximate cause of willfully resisting a peace officer in the discharge or attempt to discharge the duties of his or her office or employment, as specified, a peace officer suffers death or serious bodily injury, as defined.

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

This bill would require the trier of fact to make specified findings, and would provide that the bill would not apply to conduct which occurs during labor picketing, demonstrations, or disturbing the peace.

The California Constitution requires the state to reimburse local agencies and school

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districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

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

Ch. 1156 (SB 2195) Bergeson. State purchasing: solid waste.

(1) With specified exceptions, existing law requires all contracts entered into by any state agency for equipment, services, construction, and work, as specified, to be approved by the Department of General Services.

This bill would make all product specifications that the Department of General Services prepares for goods containing recycled materials for specified contracts for the purchase of goods not subject to specified review and adoption procedures of the Administrative Procedure Act relating to the adoption of administrative regulations.

(2) Existing law requires the Department of General Services and the California Integrated Waste Management Board to promulgate regulations on or before January 1, 1991, for the purchase of compost, co-compost, and chemically fixed sewage sludge by the state and authorizes the adoption of regulations for the purchase of retreaded tires by the state.

This bill would, instead, require the adoption of specifications for those purposes.

(3) Existing law requires the Office of Procurement, in cooperation with the board, to develop and adopt specifications for the procurement of recycled secondary and postconsumer plastic products by July 1, 1992. Existing law requires the board to review and comment on the specifications before adoption and requires the comments to be part of the administrative record of adoption, as specified.

This bill would delete the requirement for the board's comments.

Ch. 1157 (SB 2255) Mello. Property taxation: revenue allocation: special districts

Existing property tax law provides for the establishment of a Special District Augmentation Fund in each county for the purposes of augmenting the revenue of special districts from property tax revenues. The moneys in that fund are derived from a reduction, computed pursuant to a specified formula, in the amount of property tax revenue that would otherwise have been allocated to each special district, except as specified, under those provisions of law governing the allocation of property tax revenues to jurisdictions generally.

This bill would provide that the formula in existing law for the reduction in the amount of property tax revenue which would otherwise be allocated shall not apply to fire protection districts formed pursuant to the Fire Protection District Law of 1987 or resource conservation districts formed pursuant to specified provisions of law which are located entirely within Santa Cruz County, but would specify how the property tax revenue reduction is to be computed and would require the Auditor-Controller of Santa Cruz County to allocate to those districts the amount contained in a specified resolution regarding distribution of funds from the Special District Augmentation Fund adopted by the Santa Cruz County Board of Supervisors. The bill would specify that in the event of a consolidation or reorganization subsequent to the 1989–90 fiscal year, the newly consolidated or reorganized district shall succeed to the rights and obligations of the predecessor district or districts with respect to the allocation of these funds.

This bill would provide that the formula in existing law for the reduction in the amount of property tax revenue which would otherwise be allocated shall not apply to fire protection districts or community services districts providing fire protection which are located entirely within Monterey County, but would specify how the property tax revenue reduction is to be computed and would require the Auditor-Controller of Monterey County to allocate to those districts the amount contained in a specified resolution regarding distribution of funds to fire agencies, adopted by the Monterey County Board of Supervisors. The bill would specify that in the event of a consolidation or reorganization during the 1989–90 or subsequent fiscal year, the newly consolidated or reorganized district shall succeed to the rights and obligations of the predecessor district or districts with respect to the allocation of these funds.

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This bill, by requiring different calculations and allocations to be made by Monterey and Santa Cruz Counties, would impose a state-mandated local program.

This bill would state the findings and declarations of the Legislature concerning the necessity for a special law.

This bill would incorporate additional changes in Section 98.6 of the Revenue and Taxation Code, proposed by SB 2369 and AB 4215, to be operative only if SB 2369 or AB 4215 and this bill are chaptered and become effective on or before January 1, 1991, and this bill is chaptered last. These changes would become operative on the operative date of SB 2369 or AB 4215, as specified.

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

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

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

Ch. 1158 (SB 2354) Deddeh. San Diego Metropolitan Transit Development Board.

(1) The Mills-Deddeh Transit Development Act creates and prescribes the membership and powers and duties of the San Diego Metropolitan Transit Development Board. Under the act, the board consists of 15 members of whom one, the chairperson, is appointed by the Governor with the advice and consent of the Senate. The board is authorized to adopt ordinances.

This bill would impose a state-mandated local program by requiring the board, by a ⅔ vote, as specified, to elect one person who would be the chairperson. The bill would specify that the chairperson serves for a 4-year term unless removed by a ⅔ vote of the board. If the person elected chairperson is also a member of the board, the bill would prohibit the appointing authority from filling the vacancy so created, would reduce the membership of the board to 14 as long as that person serves as chairperson, and would require that person to resume his or her former position on the board if removed as chairperson.

(2) Under existing law, the San Diego Metropolitan Transit Development Board may authorize by ordinance additional compensation for its chairperson for specified additional services and duties. This provision will terminate on January 1, 1991.

This bill would extend the termination date of this provision to January 1, 1993.

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

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

Ch. 1159 (SB 2580) Mello. Monterey County flood control.

(1) Under existing law, the Monterey County Flood Control and Water Conservation District Act creates a flood control district known as the Monterey County Flood Control and Water Conservation District which consists of all the territory of the County of Monterey and is governed ex officio by the county board of supervisors.

This bill would repeal that act and would reenact those provisions as the Monterey County Water Resources Agency Act to create a flood control and water agency known as the Monterey County Water Resources Agency, thereby imposing a state-mandated local program. The bill would, in this connection, increase the maximum standby charge which may be fixed by the agency from $10 to $15 per acre per year or parcel less than an acre and would authorize the agency to impose water tolls or charges for the use of water served directly by the agency from any agency project.

The bill would also authorize the agency to fix and collect, as prescribed, a water reclamation charge to be imposed on persons who extract water from the Salinas Valley Groundwater Basin to be used, as specified, for wastewater treatment facilities. The bill would provide that the fees and taxes imposed by this bill are subject to the use of the referendum power.

The bill would authorize the agency board to specify in any ordinance that violation

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is an infraction, thereby imposing a state-mandated local program by creating a new crime.

The bill would revise procedures for the institution of zone projects and for levying assessments for zone projects, would establish additional procedures for the amendment of zones, and would make technical and other changes in the agency act. The bill would prescribe procedures for the levy of assessments generally.

The bill would require the Salinas Valley Water Advisory Commission to appoint a task force to study the structure and governance of the agency. The bill would require the task force to complete the study and make written recommendations to the commission by July 1, 1991. The bill would require the agency to appoint a task force to recommend a specified urban water allocation formula to the agency by January 1, 1992.

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

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

Ch. 1160 (AB 3601) Costa. Recreational vehicles.

Existing law, the Recreational Vehicle Park Occupancy Law, defines the terms "recreational vehicle," "camping trailer," "motor home," "slide-in camper," "travel trailer," "park trailer," and "recreational vehicle park."

This bill would repeal those definitions and provide that the terms "recreational park" and "recreational vehicle park" have the meanings as defined in the Health and Safety Code, as specified. The bill would also require a specified sign to be posted at the entry to a recreational vehicle park or a separate section of a mobilehome park designated for recreational vehicles.

Ch. 1161 (AB 3543) Harvey. Elections.

(1) Under existing law, the terms of various offices in certain special districts, including school districts, expire on the last Friday in November in certain years.

This bill would provide, instead, that the terms of those offices would expire on the first Friday in December. It would authorize the governing board of a unified school district formed in an even-numbered year to change the staggering of the terms of board members, as specified.

(2) Existing law specifies the form for any initiative, referendum, recall, nominating petition, or other petition or paper which is required to be signed by voters of any county, city, school district, or special district subject to petitioning.

This bill would add to the existing specifications a requirement that each signature space be numbered consecutively, as specified.

(3) Existing law specifies the form and procedure for circulating and filing county initiative petitions.

This bill would provide that petitions to amend or repeal a county charter are subject to the same provisions governing the form and procedure specified for other county initiative petitions. It would also clarify certain procedures relating to county initiatives, such as specifying the contents of the Notice of Intent, requiring proof of publication, and specifying the form of the ballot title and summary on the petition form.

(4) This bill would make other minor related technical changes.

(5) This bill would also provide for submission of SCA 47 to the voters at the November 6, 1990, general election in accordance with specified laws.

(6) This bill would create a state-mandated local program by changing specified duties of county clerks and elections officials.

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

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

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

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Ch. 1162 (SB 2063) Robbins. Judicial Council: megatrial study. [18]

Existing law specifies the duties of the Judicial Council with regard to the administration of the courts.

This bill would require the Judicial Council, in consultation with the Department of General Services and the State Architect, to study the feasibility of the operation of 1 to 3 megatrial facilities for actions or proceedings involving such extraordinary numbers of parties and counsel that they cannot adequately be accommodated within existing courtroom facilities, as specified.

The bill would require the Judicial Council to report its findings and recommendations to the Legislature on or before December 1, 1992.

The bill would appropriate $80,000 from the General Fund to the Judicial Council for the purposes of the bill.

Ch. 1163 (SB 2733) Rosenthal. Playground safety. [19]

Existing law does not provide for safety standards for playgrounds either operated by public agencies or open to the public.

This bill would require the State Department of Health Services, in consultation with the office of the State Architect, the California Parks and Recreation Society, the League of California Cities, the Department of Parks and Recreation, the State Department of Education, and the California Council of the American Society of Landscape Architects, to adopt regulations by January 1, 1992, for the design, installation, maintenance, inspection, supervision where appropriate, and training of personnel involved in the design, installation, and maintenance, of playgrounds, as described, either operated by public agencies, including state agencies, cities, counties, a city and county, school districts, and other districts, or operated by any entity where the playground is open to the public, as described. The bill would require the regulations to meet the standard of care imposed by courts of law on playground operators, and to be at least as protective as guidelines published by the United States Consumer Products Safety Commission. The bill would require the regulations to include special provisions for playgrounds in day care settings, to be developed in consultation with the State Department of Social Services and the California Children's Lobby, as specified. The bill would provide that the State Department of Health Services is not responsible for enforcing the regulations.

The bill would require those public agencies, to upgrade their playgrounds by replacement or improvement as necessary to satisfy those regulations to the extent state funds are made available specifically for those purposes, as specified, and would require all entities operating a playground open to the public to upgrade their playgrounds by replacement or improvement as necessary to comply with those regulations by January 1, 2000. The bill would prohibit these provisions from affecting the liability or absence of liability of playground operators.

The bill would require the state department to include in all of the above-described regulations special provisions for the needs of the developmentally disabled, as specified.

The bill would prohibit state funding from being available, after the effective date of the above-described regulations, for the planning, development, or redevelopment of a playground unless the playground, after completion of the state-funded project, would conform to the applicable regulations adopted pursuant to the provisions of the bill. It would prohibit state funding from being available, after the date by which an entity is required to conform to applicable regulations, for the operation, maintenance, or supervision of a playground unless the playground conforms to the applicable regulations adopted pursuant to the provisions of the bill. It would provide that where state funds have been appropriated prior to the effective date of the regulations but the regulations become effective prior to the completion of the project that the funding be maintained as long as the playground is altered to conform to the regulations, except as specified.

The bill would require all new playgrounds open to the public built by a public agency or any other entity more than six months after the effective date of the regulations to conform to the regulations, except that where the playground developer knows of the regulations before undertaking expenses, the six-month grace period would not apply.

The bill would appropriate $75,000 to the State Department of Health Services for the purposes of adopting the regulations required by the bill.

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Ch. 1164 (SB 2792) Nielsen. Geologic Hazards Study.[20]

Under existing law, the Division of Mines and Geology in the Department of Conservation is responsible for identifying needed research projects relating to the seismological hazards.

This bill would appropriate $50,000 to the department for expenditure necessary to assist the United States Geological Survey in studying the Rodgers Creek Fault, subject to the availability of matching funds in the amount of $250,000.

Ch. 1165 (SB 2902) Hill. Earthquake insurance.

Existing law makes no provision for the creation of a California Residential Earthquake Recovery Fund.

This bill would do so. Among other things, the bill would do all of the following:

(1) Create the California Residential Earthquake Recovery Fund, which would be continuously appropriated, and which would be administered by the Insurance Commissioner.

(2) After July 1, 1991, require insurers issuing policies of residential property insurance covering privately owned single-family dwellings to collect a surcharge for each policy, which would be deposited into the fund. Money in the fund would be used exclusively to pay earthquake insurance claims, administrative and adjustment expenses, to purchase reinsurance, to pay for any revenue bonds that may be authorized, and to retrofit dwellings. It would also authorize insurers to collect a fee to cover specified costs, as specified.

(3) Provide earthquake coverage for the peril of structural damage to residential real property for property for which the surcharge was collected, subject to specified limits and deductibles.

(4) Limit the liability of the state to the amount of money in the fund.

(5) Require the Department of Insurance to study the availability, cost, and adequacy of commercial insurance in covering property and business interruption losses due to earthquake and to report to the Legislature on or before January 1, 1992.

(6) Establish the California Residential Earthquake Recovery Fund Bond Committee, as specified, for the purpose of issuing $1,000,000,000 of revenue bonds, negotiable notes, and bonds, as specified.

(7) Appropriate $100,000 from the Insurance Fund for purposes of conducting a Small Business Coverage Study, as specified.

The bill would become operative contingent upon the enactment of SB 2596.

Ch. 1166 (SB 2596) Robbins. Earthquake insurance.

Existing law provides that no policy of residential property insurance may be issued or delivered in this state unless the named insured is offered coverage for loss or damage caused by the peril of earthquake.

This bill would, among other things, do all of the following:

(1) Revise language required to be in an offer of coverage.

(2) Revise certain provisions relating to fire losses, as specified.

(3) Provide that when an offer of coverage has not been accepted that offers be made with respect to any continuation, renewal, or reinstatement of the policy on an every other year basis.

(4) Specify the minimum required offer of coverage, and require the offer to offer additional optional coverage.

(5) Require disclosure of policy discounts, subject to approval of the commissioner, as specified.

(6) Require insurers to file a disaster plan.

(7) Provide that the bill will not become operative unless SB 2902 is enacted.

Ch. 1167 (AB 2627) Moore. Residential property insurance: disclosure of earthquake deductibles.

Existing law prohibits the issuance of new policies of residential property insurance, as defined, unless the insurer offers optional earthquake coverage. Existing law requires the offer of earthquake coverage to disclose certain information, including any deducti-

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ble, with respect to the earthquake coverage. The bill would require that if the deductible is computed as a percentage, the basis upon which the percentage is computed shall be disclosed on the declarations page of the policy and in any advertisements of the policy. The bill would also require that disclosure to be in at least 10-point bold typeface.

Ch. 1168 (AB 3897) W. Brown. Seismic hazards mapping.

(1) Under existing law (the Alquist-Priolo Special Studies Zones Act), the State Geologist is required to delineate special studies zones encompassing certain areas of earthquake hazard, and to compile maps delineating those zones. Cities and counties are required, prior to approval of a "project," as defined, to require a geologic report defining and delineating any hazard of surface fault rupture, unless the report is waived, as specified.

This bill would require the State Mining and Geology Board, by January 1, 1992, to develop guidelines for the preparation of maps of seismic hazard zones in the state and to develop priorities for mapping of those hazard zones. The bill would require the State Geologist to compile, in accordance with prescribed requirements, maps identifying seismic hazard zones, consistent with the guidelines and priorities, and subject to review by concerned jurisdictions, as prescribed.

The bill would require the seller, or the agent of the seller, of real property to disclose to any prospective purchaser the fact that the property is located within a seismic hazard or delineated special studies zone if the maps or information contained in the maps are reasonably available. The bill would require a county receiving an official map to post notice of the location of the map, as specified, thereby imposing a state-mandated local program.

The bill would require the approval of a project, as defined, by a city or county to be in accordance with policies and criteria established by the board, and would require cities and counties to require, prior to the approval of a project located in a seismic hazard zone, a geotechnical report, as defined, defining and delineating any seismic hazard, unless waived as specified. The bill would thereby impose a state-mandated local program. The bill would prescribe related matters.

The bill would create the Seismic Hazards Identification Fund and would continuously appropriate the moneys in the fund to the Division of Mines and Geology for the purposes of the bill. The bill would require specified amounts of moneys deposited in the California Residential Earthquake Recovery Fund to be deposited in the Seismic Hazards Identification Fund for purposes of the bill if AB 3913 or SB 2902 is enacted. The bill would increase specified building permit fees collected for deposit in the Strong-Motion Instrumentation Special Fund and would provide for the deposit of specified amounts in the Seismic Hazards Identification Fund.

The bill would make legislative findings and declarations.

The bill would become operative on April 1, 1991.

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

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

Ch. 1169 (SB 2608) C. Green. Earthquake insurance.

Existing law provides various mechanisms for providing insurance that is otherwise unavailable or limited, but does not provide such a mechanism for minimum earthquake insurance.

This bill would, contingent upon the enactment of SB 2902, require the Insurance Commissioner to appoint an advisory committee consisting of various designated or appointed persons, and would also require the commissioner to conduct a study on the utilization of taxable revenue bonds and to issue a report, as specified.

Ch. 1170 (SB 1120) Seymour. Drug-free workplace.

Existing law does not specifically require state contractors and state grant recipients to provide a drug-free workplace, and does not provide sanctions for a state contractor

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or state grant recipient who fails to provide a drug-free workplace, or sanctions against a recipient of state benefits who has been convicted of a drug offense.

This bill would require every person or organization awarded a contract or grant for the procurement of any property or services from any state agency to certify that it will provide a drug-free workplace by doing specified things, and would provide that each contract or grant awarded by a state agency may be subject to suspension of payments or termination of the contract or grant, and the contractor or grantee may be subject to debarment from future contracting, if the contracting agency determines that specified things have occurred. The Department of General Services would be required to publish a list of individuals and organizations whose contracts or grants have been canceled for failure to comply with the bill.

Ch. 1171 (SB 2098) Maddy. Health care.

(1) Existing law requires the Office of Statewide Health Planning to conduct a 3-year demonstration project to evaluate the accommodation of postsurgical care patients for periods not exceeding 3 days, as specified.

This bill would modify this provision to require a 6-year demonstration project, and would make technical nonsubstantive changes.

This bill also would require any administrative opinion, decision, waiver, permit, or finding issued by the office prior to July 1, 1990, with respect to any of the demonstration projects approved by the office prior to July 1, 1990, to automatically be extended by the office to remain fully effective as long as the demonstration projects are required to operate, as specified.

This bill would prohibit the office from granting approval to a freestanding, as defined, postsurgical recovery care facility, as defined, to begin operation as a participating demonstration project if it is located in the County of Solano and would make certain findings and declarations regarding the inapplicability of a general statute within the meaning of Section 16 of Article IV of the California Constitution.

(2) Under existing law, each county may establish an emergency medical services fund, to be administered by the county, unless the county elects to have the fund administered by the state, for the reimbursement of physicians and surgeons and hospitals for the costs of providing emergency medical services to patients who do not make payment for those services. Under existing law, 58% of the money in the fund is required to be distributed to physicians and surgeons for emergency services provided by all physicians and surgeons, except those physicians and surgeons employed by county hospitals or district hospitals.

This bill would delete the exception to physicians and surgeons employed by district hospitals. By expanding the scope of physicians and surgeons which are required to receive distributions from the fund, the bill would result in a state-mandated local program.

(3) Existing law limits reimbursements to physicians and surgeons from the fund to not more than 40% of the losses from patients who do not make any payment for services and for whom no responsible 3rd party makes any payment.

This bill would increase the limit on reimbursements from 40% to 50%.

(4) Existing law requires a physician and surgeon who can reasonably expect payment from the patient or a responsible party to continue to make efforts to receive payment notwithstanding previous payment from the fund, and specifies procedures for the fund to recoup payments made to a physician and surgeon if, after payment from the fund, a physician and surgeon is reimbursed by a patient or a responsible payor.

This bill would delete the provision requiring continuing efforts to receive payment and instead would impose a number of conditions on a physician and surgeon's reimbursement for losses, including the requirement that the physician and surgeon have billed for the services. This bill also would revise the procedures for the recoupment of funds if a physician and surgeon is reimbursed after receiving payment from the fund.

(5) Existing law requires the administering agency of a fund to establish procedures and time schedules for the submission and processing of proposed reimbursement requests submitted by physicians and surgeons and the schedule to provide for disbursement of all available money in the fund at least annually on a pro rata basis to all

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applicants who have submitted accurate and complete data for payment by a date established by the administering agency.

This bill would delete the requirement that all available money in the fund be disbursed at least annually on a pro rata basis as well as other related provisions, and instead would require the schedule to provide for disbursements of moneys in the fund on at least an annual basis to applicants who have submitted accurate and complete data for payment by a date to be established by the administering agency, as prescribed, would provide for pro rata payments in circumstances where the claims would exceed the total amount of funds available for payment, and would allow the administering agency to encumber sufficient funds in the fund to reimburse physician and surgeon losses incurred during the fiscal year for which claims will not be received until after the fiscal year.

(6) Existing law prohibits a physician and surgeon who is an independent contractor, who is providing emergency coverage, as specified, and who is not compensated for nonpaying patients by the hospital as part of the contractual agreement, from being disqualified from seeking reimbursement from the fund for the sole reason that the hospital provides billing and collection services and makes payments to the emergency physician and surgeon based on a percentage of the physician and surgeon's gross billings.

This bill would permit an emergency physician and surgeon, or an emergency physician group with a gross billings arrangement, as defined, with a hospital, whose services are provided in a basic or comprehensive general acute care hospital emergency department, not as an employee of the hospital, to seek reimbursement from the fund for patients who do not make payment, as specified. It would prohibit payment by the hospital to the physician and surgeon, or the emergency physician group, of a percentage of the physician and surgeon's or group's gross billings for all patients from being interpreted as payment by a responsible 3rd party. The bill would require a county to administer the fund for a new class of persons, thereby creating a state-mandated local program.

This bill would make conforming changes to provisions of law concerning reimbursements from the Physician Services Account contained in each county's emergency medical services fund under the California Healthcare for Indigents Program.

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

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

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

Ch. 1172 (SB 2469) C. Green. State Teachers' Retirement System: benefits study.

Under existing law, all teachers employed in the public schools of this state are members of the State Teachers' Retirement System.

This bill would appropriate $50,000 from the Teachers' Retirement Fund to the Teachers' Retirement Board to pay the costs of contracting for consulting services to study the equity of the present benefits available under the system, with the report being submitted to the appropriate committees of the Legislature on or before January 1, 1992.

Ch. 1173 (AB 563) Hannigan. Hazardous waste disposal: farmers.

(1) Existing law requires hazardous waste to be handled and disposed of pursuant to the provisions regulating hazardous waste, including the requirement that each person producing a hazardous waste provide the person transporting the waste with a manifest and that persons storing hazardous waste obtain a hazardous waste facilities permit. A violation of these provisions is a crime.

This bill would authorize a county to develop and establish a program for the collection of banned, unregistered, or outdated agricultural waste from eligible participants, as defined, pursuant to the requirements specified in the bill.

The bill would allow a county to implement a collection program only if the State Department of Health Services reviews and approves specified applications and vari-

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ance requests. The bill would specify requirements for the transportation of waste to and from collection sites and would require a participating county to submit a report to the department of any accidents involving waste transported pursuant to a collection program.

The bill would exempt an eligible participant from certain fees and taxes imposed on the disposal of hazardous waste under existing law, and would exempt an eligible participant, as defined, from the hazardous waste facilities permitting requirements, with regard to banned, unregistered, or outdated agricultural waste submitted for collection. The bill would also immunize a county operating a collection program from liability under the cost recovery provisions for the cleanup of hazardous substance releases.

The bill would deem the county to be the producer of the hazardous waste for purposes of the manifest requirements.

The bill's provisions would be repealed on January 1, 1993.

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

This bill would impose a state-mandated local program by creating a new crime, since the failure by an eligible participant to comply with the collection program's requirements would be a crime pursuant to other provisions of law.

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

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

Ch. 1174 (AB 582) Elder. Income taxes: capital gain or loss: study.

Existing law imposes specified duties on the Franchise Tax Board.

This bill would require the board to make a specified study relating to capital gains and losses and report to the Legislature the results of that study, as specified.

Ch. 1175 (AB 925) O'Connell. Mobilehome parks: permit and inspection fees.

Under the existing Mobilehome Parks Act, an annual operating permit fee of $25 and an additional $2 per lot or $2 per camping party for the maximum number of camping parties to be accommodated at any one time in an incidental camping area, except for a temporary recreational vehicle park, is required to be paid to the department and deposited in the continuously appropriated Mobilehome Parks Revolving Fund.

This bill would also require an additional annual fee of $4 per lot to be paid to the department or the local enforcement agency at the time of payment of the annual operating fee and would make an appropriation by requiring the revenues derived from this additional fee to be used exclusively for the inspection of mobilehome parks and mobilehomes to determine compliance with specified law.

Existing law requires mobilehome parks to be constructed and operated under a permit issued by the Department of Housing and Community Development or by a city or county that has assumed responsibility for enforcement of the so-called Mobilehome Parks Act within its jurisdiction. Existing law requires the department to adopt regulations setting forth various standards for the construction and operation of mobilehome parks. These regulations, as well as statutory standards, are required to be enforced by the department or local enforcement agency. Willful violations are a misdemeanor, and are subject to the imposition of a civil penalty of $500 for each violation and each continuing day of violation. Violations are also subject to civil actions brought by the enforcement agency to prevent, restrain, correct, or abate violations. Existing law, additionally, authorizes suspension of a permit to operate a mobilehome park for violation of the permit provisions or statutory provisions on mobilehome parks.

This bill would establish a citation procedure for violations by permittees or homeowners found by the enforcement agency during inspection of a mobilehome park. The bill would authorize the permittee or homeowner to obtain an informal conference with the enforcement agency if the permittee or homeowner disputes the enforcement agency's determination concerning failure to correct the citation in the required timeframe or the reasonableness of the deadline for correction. The bill would specify an administrative procedure for contesting citations and would specify a procedure for judicial review

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in an action filed by the permittee or homeowner in the municipal or justice court of the judicial district in which the cited mobilehome park is located.

The bill would impose a state-mandated local program by requiring the enforcement agency to enter and inspect all mobilehome parks at least once every 5 years to ensure enforcement of the provisions of the Mobilehome Parks Act.

The bill would prescribe that its remedies are in addition to other available remedies. Under provisions of existing law, the bill would apply to recreational vehicle parks, incidental camping areas, and tent camps, unless exempted by regulations of the department.

The amendments to existing law made by the bill would be repealed on January 1, 1997, at which time the code sections affected by the bill would revert back to existing law.

Moreover, since violation of the bill would constitute a misdemeanor under existing provisions, this bill would create an additional state-mandated local program.

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

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

Ch. 1176 (AB 1026) Hansen. Mental health: Napa County pilot project.

Pursuant to existing law, there is a mechanism for the provision of local mental health services for the mentally disordered.

Existing law also establishes the state hospitals for the mentally disordered and authorizes placement of mentally disordered patients in these state hospitals.

This bill would authorize a 3-year pilot project in Napa County to establish a 10-bed locked community care facility to provide residential care and treatment for mentally disordered patients who are placed in Napa State Hospital or other health facilities because there are no community placements available to meet their needs. The bill would specify that participation by Napa County would be on a voluntary basis

This bill would provide that the pilot project shall operate notwithstanding specified licensing provisions to the contrary.

This bill would require that the State Department of Mental Health and the State Department of Social Services perform specified regulatory and monitoring duties with regard to the project, and would require a joint report to the Legislature within 3 years of commencement of operation of the first facility pursuant to this bill, as specified.

This bill would make the commencement of this pilot program contingent upon Napa County and the department identifying funds for this purpose described in a financial plan approved in advance by the Department of Finance.

Ch. 1177 (AB 1375) Costa Local agencies: debt financing.

Under existing law, cities and counties possess the authority to issue general obligation bonds for designated purposes, and to enter into certain financing arrangements to fund the lease or lease-purchase of property.

The bill would authorize a city or county to secure the repayment of general obligation bonds, which are also secured by local property tax revenues, and of debt obligations incurred pursuant to the lease or lease-purchase of property, by directing the Controller to temporarily meet those repayment obligations, as specified, with moneys to which the city or county is entitled at that time, under existing law, as allocations from the Motor Vehicle License Fee Account in the Transportation Tax Fund.

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

Ch. 1178 (AB 1629) Elder. CSU employees: Optional Retirement Program.

The existing Public Employees' Retirement Law establishes the Public Employees' Retirement System under the exclusive control and administration of the Board of Administration. That law provides for various membership categories and for various tiers and benefits.

This bill would authorize the establishment by a memorandum of understanding, as

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specified, of the Optional Retirement Program (ORP) to become operative on the July 1 immediately following the filing of notice thereof with the Public Employees' Retirement System, which, among other things, would provide an option to new hires of California State University (CSU) faculty, executive, managerial, and supervisory employees to elect, instead of PERS membership, to participate in the ORP. Eligible employees would be excluded from PERS until either they make that election, or the 60-day period for electing expires, whichever occurs first. The eligible employees would be authorized to purchase contracts or certificates providing retirement and death benefits funded through annuities or investment fund options, as specified. PERS would be required to provide the necessary data processing services and to charge the provider an administrative fee appropriate to pay the costs thereof. Participants would remain eligible to participate in the Public Employees' Medical and Hospital Care Act as if they were PERS members. The state's employer contribution rate would be an amount equal to the CSU employer contribution to PERS, less the amount attributable, as determined, as specified, by the Board of Administration of PERS, to the PERS unfunded actuarial obligation, which until June 30, 2016, would be transmitted to PERS, and the employees' contributions rate would be the applicable PERS member contribution rate. The state's contributions would be continuously appropriated monthly from the General Fund to the trustees.

Ch. 1179 (AB 1644) Peace. Private patrol operators.

Existing law provides for the issuance of a temporary registration card for employees of private patrol operators, subject to specified conditions. The law provides that a temporary registration card shall not be valid for more than 120 days except that the 120 days may be extended when there is an additional delay in processing applications.

This bill would provide that the 120-day period commences on the date the applicant signs the application for registration.

Ch. 1180 (AB 1753) Friedman. Firearms.

(1) Existing law requires the presiding judge of the superior court to designate one judge, commissioner, or referee in each county to be available, as specified, to orally issue ex parte emergency protective orders against domestic violence, as specified, which orders are authorized to be issued at all times when the court is not in session. An emergency protective order against domestic violence expires not later than the close of judicial business on the 2nd day of judicial business following the day of its issue.

Existing law also authorizes the court, upon notice and a hearing, to issue specified orders during the pendency of specified proceedings involving the determination of a void or voidable marriage and dissolution of marriage. These orders include, but are not limited to, orders to (a) enjoin a party from contacting, threatening, or disturbing the peace of other specified parties, and (b) exclude parties from specified dwellings upon a showing of designated conditions which the court determines is necessary to effectuate orders under the above-mentioned orders. Any restraining order granted after notice and a hearing pursuant to these provisions, in the discretion of the court, has a duration of not more than 3 years, unless otherwise terminated or extended by further order of the court either on written stipulation filed with the court or on the motion of any party.

Existing law further provides that when a court makes the above described orders, among other things, the court shall order the plaintiff or the attorney for the plaintiff to deliver a copy of any order, or extension, modification, or termination granted, as specified, and any subsequent proof of service to each local law enforcement agency designated by the plaintiff or the attorney for the plaintiff having jurisdiction over the residence of the plaintiff and other locations where the court determines that acts of domestic violence against the plaintiff are likely to occur.

This bill would provide that upon the receipt of a copy of an order as described in (a) and (b), and the subsequent proof of service, the local law enforcement agency having jurisdiction over the residence of the plaintiff shall immediately notify the Department of Justice, as specified. To the extent that the bill would establish additional reporting duties on local law enforcement agencies, the bill would impose a state-mandated local program.

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This bill would require the judge upon issuing a modification, extension, or termination of an order, as described in (a) and (b) above to immediately report the order to the Department of Justice, thereby imposing a state-mandated local program.

The bill would limit certain civil liability because of a failure to provide this latter notice.

(2) Effective January 1, 1991, the law will provide that any person who has been convicted of a felony under the laws of the United States, as specified, or the State of California, or of any other state, government, or country, or of an enumerated offense involving the use of a firearm, or who is addicted to the use of any narcotic drug, or who owns or has in his or her possession or under his or her custody or control any firearm is guilty of a public offense, and shall be punishable by imprisonment in the state prison, or in a county jail not exceeding one year, or by a fine not exceeding $1,000, or both. These provisions also will apply to any person who has been convicted of a felony or of an enumerated offense, who owns or has in his or her possession or under his or her custody or control any of these firearms, when the conviction results from certification by the juvenile court for prosecution as an adult.

This bill would make it a felony or a misdemeanor, as specified, for any person to obtain, receive, purchase, or otherwise acquire a firearm, knowing he or she is subject to a specified restraining order, thereby imposing a state-mandated local program by creating a new crime.

(3) Existing law authorizes the Department of Justice to charge a dealer's fee, as specified, for purposes of processing firearm registration sales.

This bill would provide that in addition to other charges, the department may include in the dealer's fee an additional charge equal to a sum sufficient to reimburse local law enforcement agencies for state-mandated local costs resulting from the notification requirements set forth above.

(4) The bill would provide that the bill shall only become operative if AB 3593 is also chaptered.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that for certain costs no reimbursement is required by this act for a specified reason.

However, the bill would provide that if the Commission on State Mandates determines that this bill contains other costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be payable from the States Mandates Claims Fund.

Ch. 1181 (AB 1925) Epple. Crimes: obstruction of justice.

(1) Under existing law, it is a misdemeanor offense, punishable as specified, for any person to willfully resist, delay, or obstruct any public officer, peace officer, or an emergency medical technician, as defined, in the discharge or attempt to discharge any duty of his or her office or employment.

(2) Existing law also provides that it is a public offense punishable as a misdemeanor or felony, as specified, for any person to remove or take any weapon or firearm, or to attempt to remove or take any firearm from the person of, or immediate presence of, a public officer or peace officer during the commission of an offense described in (1).

(3) Existing law also provides that a violation of an offense described in (1) may not be charged in addition to a charge of any violation of one of the offenses described in (2).

This bill would provide, instead, that a person may not be convicted of a violation of an offense described in (1) in addition to a conviction of a violation of one of the offenses described in (2) when the resistance, delay, or obstruction was committed against the same public officer, peace officer, or emergency medical technician. The bill would, in addition, provide that multiple convictions under these provisions may take place when more than one public officer, peace officer, or emergency medical technician are victims.

This bill also would incorporate additional changes in Section 148 of the Penal Code

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proposed by SB 2172, to be operative only if SB 2172 and this bill are both chaptered and become effective January 1, 1991, and this bill is chaptered last.

Ch. 1182 (AB 2158) Costa. Public water systems: permits.

(1) Existing law requires the State Department of Health Services to adopt regulations covering water testing, the monitoring of contaminants, the frequency and method of sampling and testing, the reporting of results, and other matters as may be necessary to determine and assure the quality of domestic water supplies.

Existing law, in part, defines "public water system," for this purpose, to mean a system for the provision of piped water to the public for human consumption which has 5 or more service connections.

This bill would instead define "public water system" to mean a system for the provision of piped water to the public for human consumption which has 15 or more service connections.

This bill would require the regulations to include prescribed minimum acceptable financial assurances, as specified, and minimum program requirements for conduct of the state drinking water program by local agencies.

(2) Existing law provides that the department is responsible for the enforcement of water system requirements for all public water systems in any county which does not have a local health officer, or has entered into specified contracts with the department and elects not to enforce the requirements, but requires the local health officer to enforce the requirements with respect to water systems with less than 200 service connections, as specified.

This bill would delete the requirement that local health officers enforce the requirements for water systems with less than 200 service connections and, instead, provide that the department is responsible for enforcement of all public water systems.

This bill would require the department to directly enforce all public water systems, including state small water systems, in any county which does not have a local health officer, or contracts with the department for environmental health services, as specified.

This bill would permit the department to contract, as specified, with a local health officer, as defined, for enforcement of community and noncommunity water systems, as defined.

This bill would require the department to adopt regulations specifying minimum requirements for the operation of state small water systems, which may be less stringent than the minimum requirements for other water systems. It would impose a state-mandated local program by requiring the local health officer, or a local health agency designated by the local health officer, to enforce the requirements for state small water systems. In counties which have no health officers, the bill would make the department the enforcement agency for state small water systems.

This bill would authorize local health agencies to adopt standards for state small water systems that are more stringent than applicable state standards.

(2.5) Existing law authorizes local agencies to impose fees for expenses of the local health officer in carrying out the requirements related to public water systems.

This bill would repeal that provision and would authorize local governing bodies to impose a fee to recover the reasonable costs of a local health officer in carrying out specified provisions of the bill concerning state small water systems.

This bill would require the local health officer to submit a monthly report regarding the status of compliance with the California Safe Drinking Water Act by the public water systems under the jurisdiction of the local health officer, and would thereby impose a state-mandated local program.

(3) Existing law requires a person operating a public water system, as defined, to obtain a permit from the department.

Existing law requires the department, upon determination that the application for a permit to operate a water system is complete, to make a thorough investigation, as specified. Upon the completion of the investigation, existing law requires the department to issue or deny the permit, and permits the department to impose conditions necessary to assure a reliable and adequate supply of water at all times.

Existing law also requires, commencing July 1, 1990, that any system seeking an initial

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permit, in addition, be required to demonstrate financial responsibility as a condition of receiving the permit.

This bill would repeal the initial permit requirement described above and would, instead, require the department's investigation to include any required financial assurance information the department deems material. It would prohibit the granting of a permit to a public water system which was not in existence on January 1, 1991, unless the system demonstrates that the water supplier possesses adequate financial capability to assure the delivery of pure, wholesome, and potable drinking water.

This bill would prohibit the issuance of a permit to unincorporated associations organized under prescribed provisions, unless the associations are holders of a permit as of December 31, 1990.

(4) Existing law requires a public water system to submit a technical report to the department, as prescribed.

This bill would specify that the report may include financial assurance information.

(5) Existing law requires owners or operators of certain public water systems to designate a user or other person to be the principal contact with the county health officer, as specified.

This bill would repeal those provisions.

(6) Existing law requires that each public water system of at least 200 service connections pay the department an annual fee of 50¢ for each service connection to the department and requires the department to adopt emergency regulations to specify the method of payment of the fee. This bill would repeal those provisions as of July 1, 1991, and would establish, on July 1, 1992, in the General Fund, the Small Water Systems Account and the Large Water Systems Account. The bill would require water systems, including each public water system, to pay into the accounts, as specified, would specify the maximum amounts to be collected by these fees, and would require the department to adopt regulations. It would authorize a public water system to impose fees on its customers to recover the cost of the fee paid to the department. These provisions would be repealed January 1, 1997.

(7) Existing law permits the department to take authorized action against a public water system with less than 200 service connections after consultation with the local health officer, under certain circumstances.

This bill would instead require the department to take that action against a public water system under the jurisdiction of the local health officer after adequate notification of the local health officer, under those same circumstances.

(8) The bill would require the department to report to the Legislature by January 1, 1996, on the effectiveness of the bill on monitoring and enforcement of public water systems, on evaluating compliance of community water systems serving less than 200 connections, as specified, and on the effectiveness of use of the annual operating fee and whether the fee should be revised, continued, or discontinued.

(9) The bill would also provide that its provisions are not to cause or result in a reduction in existing state funding for state or local public health or environmental health programs which monitor and enforce drinking water standards.

(10) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, for certain costs, no reimbursement is required by this act for a specified reason.

Moreover, this bill would provide that, if the Commission on State Mandates determines that this bill contains other costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 1183 (AB 2226) Epple. Consumer warranties.

Existing law regulates consumer warranties, as specified, and requires service contracts sold in lieu of, or in addition to, express warranties to meet specified requirements.

This bill would add to the provision applicable to these service contracts, a requirement that the contract apply only to items, costs, or time periods not covered by express

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warranty, except as specified.

Ch. 1184 (AB 2715) Moore. Insurance: Medicare supplements.

Existing law provides that no insurance policy or certificate to supplement Medicare shall be delivered or issued for delivery unless an outline of coverage is delivered to the applicant at the time application is made.

This bill would also provide that whenever any insurance policy or certificate to supplement Medicare is presented for examination or sale, the prospective insured shall be provided an outline of coverage. It would also require any advertisement that is not a presentation for examination or sale to contain a notice that an outline of coverage is available upon request, and would also provide that, upon request, an outline of coverage shall be provided.

Since a violation of the provision would be a public offense, the bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would incorporate additional changes contingent upon the prior enactment of AB 4282.

Ch. 1185 (AB 2737) Johnston. Automobile insurance: minimum financial responsibility coverage.

Existing law mandates minimum financial responsibility coverage limits with respect to the maintenance of automobile liability insurance. Existing law also requires the offering of a good driver discount policy for good drivers, as defined.

This bill would require insurers to offer automobile liability insurance in the required minimum financial responsibility coverage amounts and to sell it to those who request it. It would require insurers to disclose to persons eligible for a good driver discount policy, the availability of the minimum financial responsibility coverage policy. Certain insurers would be exempt.

The bill would also require agents or representatives representing insurers under common ownership, management, or control to provide good driver coverage at lowest rates applicable within the common ownership, management, or control group. This requirement would become operative January 1, 1991.

The bill would also require insurers to pay an insurance agent selling those policies a commission no lower in percentage than that paid to that agent for any higher level of policy coverage issued by that insurer.

The bill would also require an insurer that is required to offer and sell good driver discount policies to good drivers to whom it did not sell those policies prior to November 8, 1988, due to driving safety record or vehicle type, to file and, upon the approval of the commissioner, implement an interim rating plan for those applicants.

A violation of the provisions of this bill would be a misdemeanor. The bill would thus impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1186 (AB 2774) Eastin. Escrow agents.

Existing law provides for the licensure and regulation of licensed escrow agents by the Commissioner of Corporations.

Existing law provides for the imposition of various fees. Among other things, each licensed escrow agent is required to pay its pro rata share of all costs and expenses incurred in the administration of the Escrow Law. However, existing law limits the total

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assessment to the initial assessment adjusted each year for the cost of living.

This bill would eliminate that limit on the total assessment and instead provide for specified percentage limitations upon that assessment for fiscal years 1991–92, and thereafter. It would provide that if the pro rata assessment exceeds the actual costs and expenses incurred in the administration of the Escrow Law and any deficit incurred, the excess shall be credited to each escrow agent on a pro rata basis.

Existing law provides that an escrow agent's license is not transferable.

This bill would also provide that an escrow agent shall not transact business under any name other than that set forth in the articles of incorporation. Since a willful violation of the Escrow Law is a crime, the bill would thereby impose a state-mandated local program.

Existing law provides that the commissioner may, pursuant to regulations, order a licensed escrow agent which opens an office or changes its location without approval to pay a fine.

This bill would eliminate the requirement that the order be pursuant to regulations.

Existing law requires the commissioner to examine the books of any person subject to the Escrow Law who fails to make any report required by law or by the commissioner.

This bill would authorize that examination and would authorize the commissioner to impose a penalty on any person who fails to make and file required reports or furnish material information.

Existing law authorizes the commissioner to order any person subject to the Escrow Law to discontinue business under specified conditions and authorizes the person subject to that order to request a hearing under the Administrative Procedure Act.

This bill would require the hearing to be set within 15 days of receiving the request for a hearing, except as specified.

Existing law requires the commissioner to revoke the escrow agent's license if the licensee fails to comply with a final order

This bill would, instead, authorize the commissioner to revoke a license if the licensee fails to comply with any order.

Existing law authorizes the commissioner to commence and prosecute actions and proceedings to enjoin violations of the escrow agent's law or orders issued under it, and to enforce civil penalties.

This bill would, instead, more particularly set forth the commissioner's authority to bring actions. It would specifically authorize the appointment of a receiver, monitor, conservator, or other fiduciary or officer of the court and would set forth their powers and immunities. It would authorize the commissioner to make a claim for ancillary relief.

The bill would also create in the Department of Corporations an Escrow Law Advisory Committee to assist the commissioner in carrying out the duties required by this bill.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1187 (AB 2785) Katz. State highways: routes.

Existing law describes and specifies the route number designations and descriptions of routes in the state highway system, the California freeway and expressway system, and the state scenic highway system.

This bill would make various changes in existing route descriptions and would add a new Route 7, as described.

Ch. 1188 (AB 3018) Tanner. Occupational safety and health: hazardous substance removal regulations.

Existing law requires the Occupational Safety and Health Standards Board to adopt an occupational safety and health standard concerning hazardous substance removal work by October 1, 1987. Existing law further provides that this standard require that a safety and health conference be held for all hazardous substance removal jobs, before the start of the actual work, which would include specified representatives.

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This bill would redefine hazardous substance removal work for purposes of these provisions. The bill would also provide that until the required occupational safety and health standard is adopted by the board and becomes effective, the occupational safety and health standard concerning hazardous substance removal work shall be a prescribed standard adopted by the federal government, and that before actual work is started on a hazardous substance removal job, a safety and health conference shall be held.

This bill, in addition, would declare that it is to take effect immediately as an urgency statute.

Ch. 1189 (AB 3435) Campbell. Insurance: agency authority.

Under existing law, if an insurance agency contract has been in effect for at least one year, it may not be terminated except by 120 days' notice, except in specified circumstances.

This bill would provide, with specified exceptions, that an insurer shall not terminate a written agency contract solely on the basis of the loss ratio experience on private passenger automobile insurance, as specified, or solely because of referrals for a good driver discount policy. It would also prohibit insurers from committing certain acts for the purpose of avoiding the prohibition on loss ratio terminations. These provisions would be repealed on January 1, 1994.

Ch. 1190 (AB 3627) Wright. Registered dispensing opticians.

Existing law provides that the right to dispense, sell, or furnish prescription lenses at retail to the person named in a prescription is limited to physicians and surgeons, optometrists, and registered dispensing opticians and the law provides for the licensing and regulation of registered dispensing opticians, who, among other things, fit and adjust prescription lenses, and requires a separate certificate of registration for each address where business is conducted. The certificate authorizes the applicant, its agents, and employees to engage in the business of dispensing opticians at the specific address.

The bill would also authorize, until January 1, 1994, a dispensing optician to fit and adjust spectacle lenses in a health facility or at a business location, as defined, under specified conditions.

Ch. 1191 (AB 3653) Harris. Bulk sales.

(1) Existing law, the Uniform Commercial Code—Bulk Transfers, provides a comprehensive body of law with respect to bulk transfers which is defined to include the transfer in bulk, not in the ordinary course of business, of a substantial part of the materials, supplies, merchandise, or other inventory of specified enterprises, expressly including bakers, cafe or restaurant owners, garage owners, cleaners, and dyers, or the transfer of a substantial part of the equipment of the enterprise.

Existing law excludes certain transactions from the bulk transfer laws including among others, the assignment for the benefit of all creditors of the transferor and subsequent transfers by the assignee thereunder and transfers of property exempt from the enforcement of a money judgment. With respect to those transactions subject to the bulk transfers law, existing law requires the transferee of the bulk transfer to give notice of the transfer to the creditors of the transferor in the manner and within the time specified or the transfer is fraudulent and void against any creditor of the transferor.

This bill would repeal the Uniform Commercial Code—Bulk Transfers and enact the Uniform Commercial Code—Bulk Sales, a comprehensive body of law regulating bulk sales defined to include a sale not in the ordinary course of the seller's business of more than half the seller's inventory and equipment, as specified. The bill would also include within "bulk sale" a specific definition to include sales by auction or conducted by a series of sales conducted by a liquidator, as specified. This bill also eliminates the express reference to bakers, garage owners, cleaners, and dyers as enterprises subject to the bulk sales law.

This bill, in addition to those transactions exempt from the bulk transfers law, would specifically exempt, among other transactions, a sale of assets with a value of less than $10,000, as specified, or a value of more than $5,000,000 on the date of the bulk sale agreement.

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This bill would provide that a buyer who fails to comply with the notice requirements, as specified, with respect to a claimant is liable to the claimant for damages in the amount of the claim, reduced by any amount that the claimant would not have realized if the buyer had complied.

(2) Existing law contains detailed provisions with respect to transfers through escrow and bulk sales with consideration less than $1,000,000 and substantially all cash or an obligation of the transferee to pay cash in the future or a combination thereof.

This bill would, among other things, continue many of these escrow provisions and would increase the amount to $2,000,000 with respect to the application of the cash consideration provisions.

(3) The bill would incorporate changes proposed by SB 2123, relating to withholding of amounts for claims at the time of distribution, that would become operative only if SB 2123 is enacted and this bill is enacted last.

Ch. 1192 (AB 3719) Chandler. Pest control: civil penalties.

(1) Under existing law, it is unlawful to refuse or neglect to comply with the provisions regulating pest control operations or any lawful order of the county agricultural commissioner.

This bill would, in addition, make it unlawful to refuse or neglect to comply with any lawful order of the Director of Food and Agriculture issued under those provisions. Since a violation of this provision would be a misdemeanor under existing law, the bill would impose a state-mandated local program by creating a new crime.

(2) Existing law authorizes the civil prosecution of persons who violate specified provisions regarding pesticides and economic poisons and authorizes the director, in lieu of civil prosecution, or a county agricultural commissioner, in lieu of civil prosecution by the director, to levy a civil penalty against that person.

This bill would authorize the recovery of the civil penalty levied by the director or a commissioner by a judgment, as specified. The bill would prohibit the court clerk from charging any fee for official services required in connection with the entry of judgment pursuant to the bill, thereby imposing a state-mandated local program. This bill would also incorporate additional changes in Section 12999.5 of the Food and Agricultural Code proposed by AB 3550, to be operative only if both bills are chaptered, both bills amend that section, and this bill is chaptered after AB 3550.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that for certain costs no reimbursement is required by this act for a specified reason.

Moreover, the bill would provide that, if the Commission on State Mandates determines that this bill contains other costs mandated by the state, reimbursement for those other costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 1193 (AB 3766) Assembly Human Services Committee. Public assistance eligibility demonstration programs.

Under existing law, the state provides for various programs through which eligible applicants may receive public assistance benefits.

This bill would, until January 1, 1995, authorize the Director of Social Services to conduct a demonstration program in not more than 5 participating counties in which the counties would use a consolidated process for determining the eligibility of applicants for aid under the Aid to Families with Dependent Children program and the Food Stamp Program.

Ch. 1194 (AB 3905) Quackenbush. Peace officers: carrying firearms.

Existing law provides that specified persons employed by state corrections departments may carry firearms under certain conditions. Existing law also provides that those persons shall meet specified training requirements. Existing law further provides that it is the responsibility of the individual officer to maintain his or her eligibility to carry

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firearms off duty.

This bill would provide that failure to maintain quarterly qualifications with any concealable firearms carried off duty by an officer or designee shall constitute good cause to suspend or revoke that person's right to carry firearms off duty.

This bill would provide, in addition, that the Department of Corrections shall allow reasonable access to its ranges for officers and designees of the Department of Corrections or the Department of the Youth Authority to qualify to carry concealable firearms off duty. The bill also would provide that the time spent on the range to meet qualification requirements shall be the person's own time during the person's off-duty hours. The bill would also require the Director of Corrections to promulgate regulations consistent with these provisions.

Ch. 1195 (AB 3985) Moore. Public utilities: procurement contracts: women- and minority-owned businesses.

Existing law authorizes the Public Utilities Commission to regulate every public utility in the state. Existing law directs the commission to require every electrical, gas, and telephone corporation in the state with annual gross revenues exceeding $25,000,000, and their regulated subsidiaries and affiliates, to implement a program developed by the commission to encourage, recruit, and utilize women- and minority-owned business enterprises in the procurement of contracts from those corporations or from their regulated subsidiaries and affiliates.

This bill would specify various measures those corporations may consider adopting in order to include women-owned businesses, minority-owned businesses, and small businesses in all phases of their contracting.

Ch. 1196 (AB 4008) Clute. Vehicles: registration services: licensing.

(1) Existing law prohibits, with specified exceptions, any person from engaging in the business of soliciting or receiving applications for the registration, renewal of registration, or transfer of registration of a vehicle or for a driver's license, when any compensation is solicited or received for the service.

This bill would delete these provisions and would define "registration service," provide for the licensing of a registration service by the Department of Motor Vehicles, and prescribe the qualifications for a licensee, the contents of an application, application and renewal fees, the business records which a licensee is required to keep, procedures for denying, suspending, and revoking a license, and related matters. Since, under other provisions, a violation of any of these requirements would be a crime, the bill would impose a state-mandated local program.

These provisions would become operative on July 1, 1991.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1197 (AB 4023) Cortese. Disaster relief: counties.

Under the Natural Disaster Assistance Act, the Director of the Office of Emergency Services is required to administer a program which provides financial assistance to local agencies for the repair, restoration, or replacement of public facilities.

Chapter 16 of the Statutes of 1986 allocated funds to counties for, among other purposes, repair of flood damaged roads and other public facilities.

The bill would express the intent of the Legislature that the disaster relief funds provided to local agencies in Chapter 16 of the Statutes of 1986 be expended for costs incurred by the local entities due to the floods of 1986 and otherwise not paid for by the Federal Emergency Management Administration.

The bill would specify that counties that distributed funds pursuant to Section 16 of the Statutes of 1986 to other local agencies would not be held financially liable for those funds or responsible for any collection of those funds.

The bill would provide that it would not preclude the state or any county from

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collecting these funds from local agencies.

Ch. 1198 (AB 4065) Lempert. Ralph M. Brown Act: notice of meetings.

Under the existing Ralph M. Brown Act, the legislative body of any district which is subject to the act is required to give mailed notice of every regular meeting, and any special meeting which is called at least one week prior to the date set for the meeting, to any owner of property located within the district who has filed a written request for that notice with the legislative body. Existing law requires any request for notice or renewal request to contain a description of the property owned by the person filing the request. Existing law permits the legislative body to establish a reasonable annual charge for sending the notice.

This bill would specify, instead, for this purpose, that the mailed notice is required to be sent to any person that has filed a request for notice and would state that the failure of any person to receive the notice shall not constitute grounds for any court to invalidate the action of the legislative body for which the notice was given. This bill would permit the legislative body to establish a reasonable annual fee, rather than a charge, for sending the notice.

By requiring the legislative body to send that notice to any person that has filed a request, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1199 (AB 4191) Wright. Vehicles: removal: release to owner.

(1) Existing law authorizes peace officers and employees of a city or county engaged in directing traffic or enforcing parking laws and regulations to remove vehicles under specified circumstances, and to have the vehicle placed in storage. In specified instances, the vehicle may be released from storage only upon proof that the vehicle is currently registered.

This bill would permit the release of any stored vehicle only if the owner or person in charge of the vehicle furnishes, to the law enforcement agency or employee who placed the vehicle in storage, satisfactory proof of current vehicle registration and would, in the alternative, permit the release of the vehicle upon issuance of a notice to appear for the registration violation by the local agency which caused the vehicle to be stored. The bill would require every storage facility to post a notice to this effect together with the telephone number of that local agency. Since, under other provisions, a violation of this requirement by a storage facility would be an infraction, the bill would impose a state-mandated local program by creating a new crime.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1200 (AB 4251) Clute. Crimes: property forfeiture.

(1) Existing law relating to the regulation of controlled substances provides that various items, including, all moneys, negotiable instruments, securities, property, or other things of value furnished in exchange for a controlled substance in violation of the law, as specified, utilized in the unlawful sale or possession for sale of controlled substances are subject to forfeiture.

This bill would expand the forfeiture provision to include items utilized in the unlawful possession of specified quantities of precursor chemicals and the illicit manufacture of specified quantities of controlled substances.

(2) Existing law provides additional procedures for the seizure and forfeiture of items, as specified. The money forfeited or the proceeds of the sale of any property forfeited is distributed to the state or local agencies which initiated or maintained the

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forfeiture proceedings, as specified.

This bill would make changes to various provisions to clarify that the Attorney General or the district attorney would specifically institute forfeiture proceedings pursuant to these provisions, rather than the state or local governmental entities making the seizure.

(3) Existing law provides that the Attorney General or district attorney is required to file and proceed, as specified, as to a petition of forfeiture pursuant to the provisions in (2).

This bill would replace the phrase "petition of forfeiture" with the term "complaint for forfeiture."

(4) Existing law specifically provides procedures by which a defendant or any other person claiming an interest in property in a forfeiture proceeding, under certain circumstances, may act to claim the property.

This bill would make changes to conform forfeiture proceedings with other civil cases by providing that any other person claiming an interest in property in a forfeiture proceeding would be required to file an answer within 30 days of the service of the complaint for forfeiture, unless the court extends the time for the filing of the answer. Upon timely filing of an answer, as well as a verified claim, the forfeiture proceeding would be set for hearing.

(5) Existing law provides for procedures to preserve the status quo of property which is the subject of a forfeiture proceeding.

This bill would authorize the prosecuting agency to move the superior court for an order of interlocutory sale of the property named in the complaint, under specified conditions, with the proceeds to be deposited with the court or as directed by the court pending determination of the forfeiture proceeding.

This bill would additionally provide that the provisions of the Code of Civil Procedure would apply to proceedings under these provisions unless otherwise inconsistent with these provisions.

(6) This bill would make additional technical, conforming, or clarifying amendments and delete duplicative or unnecessary provisions in light of the bill.

Ch. 1201 (AB 4284) Elder. STRS: retirements after reinstatement from disability.

The existing State Teachers' Retirement Law provides for disability allowances, provides for conversion of disability allowances upon attaining age 60, and provides for the recalculation of allowances in cases of retirements after reinstatement from disability.

This bill provides for separate alternative calculations of postdisability service retirement allowances depending upon whether the postdisability service was for less than, or more than, 3 years.

This bill would provide that it is to take effect immediately as an urgency statute.

Ch. 1202 (SB 1266) Davis. Lenders.

(1) Existing provisions of the California Credit Union Law authorize the Commissioner of Corporations to commence and prosecute actions and proceedings to enjoin violations of that law or regulations or orders adopted thereunder and for the purpose of collecting civil penalties provided thereby.

This bill would instead authorize the commissioner to obtain specified civil relief for violation or threatened violation of that law or orders or regulations adopted thereunder, including receivership and certain similar proceedings. The bill would specify that the commissioner may obtain temporary restraining orders and appointment of a receiver and other ancillary relief in conjunction with an injunction, temporary injunction, restraining order, or writ of mandate granted under the bill. With certain exceptions, the bill would authorize the commissioner to bring actions for civil penalties not exceeding $2,500 per violation for violations of the California Credit Union Law and rules or orders adopted thereunder.

(2) Existing provisions of the Industrial Loan Law prohibit certain practices and specify penalties and remedies for violations.

This bill would authorize the commissioner in various instances, as specified, to suspend or remove specified persons from his or her office with an industrial loan company, for prescribed cause. It would authorize the commissioner to institute a claim for ancil-

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lary relief.

(3) Existing law makes any willful violation of the Industrial Loan Law, the Personal Property Brokers Law, the Consumer Finance Lenders Law, the Commercial Finance Lenders Law, or any regulation or order adopted thereunder a misdemeanor, punishable by imprisonment in the county jail not exceeding 6 months, by a fine not exceeding $1,000, or both.

This bill would make these willful violations punishable by a fine not exceeding $10,000, by imprisonment in the county jail for not more than one year or in the state prison, or by both the fine and imprisonment. The bill would, however, exempt from imprisonment violations of regulations or orders, unless the violator had knowledge thereof. By changing the penalty for these crimes, the bill would impose a state-mandated local program.

The bill would also empower the commissioner to obtain specified civil relief for violation or threatened violation of the Industrial Loan Law, including receivership and certain similar proceedings. The bill would specify that the commissioner may obtain temporary restraining orders and appointment of a receiver and other ancillary relief in conjunction with an injunction, temporary injunction, or restraining order granted under the Industrial Loan Law, the Personal Property Brokers Law, the Consumer Finance Lenders Law, and the Commercial Finance Lenders Law.

(4) Under existing law, violations of the Personal Property Brokers Law, the Consumer Finance Lenders Law, the Commercial Finance Lenders Law, and regulations and orders adopted thereunder are not subject to civil penalties.

This bill would authorize the commissioner to assess and collect a maximum civil penalty for these violations of $2,500 and would make that civil penalty applicable to willful violations of the Industrial Loan Law and regulations and orders adopted thereunder. The bill would also provide that specified sanctions are cumulative and make clarifying changes.

(5) Under existing law, personal property brokers and consumer finance lenders are prohibited from transacting business or making loans under a name or at a place of business not named in their license, except with respect to loans of $10,000 or more or, in the case of personal property brokers commercial loans of either $5,000 or more or made to certain persons, if the bona fide principal amount of the loan at least equals these thresholds and the loan is not made for the purpose of evading the Personal Property Brokers Law or the Consumer Finance Lenders Law, respectively.

This bill would make the above prohibitions applicable to all loans made by these lenders. It would require personal property brokers, consumer finance lenders, and their brokers to deliver to potential borrowers a statement of name, address, and license number, as specified.

(6) Under existing law, the commissioner may summarily suspend the certificate of any personal property broker, consumer finance lender, or commercial finance lender that fails to pay its annual assessment by June 30. However, under existing law, if the licensee files a request for a hearing thereon, the order of suspension or revocation is deemed rescinded unless the commissioner holds a hearing thereon within 60 days.

This bill would require these requests for a hearing to be filed within 30 days of the commissioner's order of suspension or revocation.

(7) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1203 (AB 3072) Eastin. Special education: physical therapy. [21]

Under existing law, the State Department of Health Services, or any designated local agency administering services under the California Children's Services Act, is required to provide a child with occupational therapy and physical therapy, where found to be medically necessary and contained in the child's individualized education program.

Existing law also requires that related services not deemed to be medically necessary by the State Department of Health Services, which the individualized education pro-

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gram team determines are necessary to assist a child in benefiting from special education, shall be provided by the local educational agency.

This bill would require the Legislative Analyst to conduct a study, or contract for the study to be conducted, with the advice of the State Department of Education and the State Department of Health Services, to determine, among other things, whether individuals with exceptional needs are receiving occupational and physical therapy deemed necessary by the individualized education program team as required by law and which state and local agencies are most appropriate to provide that therapy. This bill would also require the Legislative Analyst to submit to the Legislature the results of that study, containing specified information, together with recommendations, as specified, no later than December 1, 1991. The bill would appropriate $145,000 to the Legislative Analyst to fund that study, as specified.

Ch. 1204 (AB 3234) O'Connell. Murder. [22]

This bill would make legislative findings and declarations as to when state assistance to a California county in funding a criminal investigation and prosecution in a foreign country for the murder of a California resident within California is warranted.

This bill would also make legislative findings and declarations that a specified murder case being prosecuted in the State of Israel, involving the Santa Barbara County District Attorney's Office, meets the criteria warranting funding by the state. However, the bill also would include a declaration that this measure shall not serve as a precedent warranting state assistance in the financing of any future criminal cases.

This bill would appropriate $149,000 from the General Fund to the Controller for allocation and disbursement to the Santa Barbara County District Attorney's Office for reasonable and necessary costs involved in investigating and prosecuting a specified murder case in the State of Israel

Ch. 1205 (SB 2621) Mello. Parks and Recreation. [23]

(1) Under existing law, moneys in the State Coastal Conservancy Fund of 1976 may be appropriated for specified coastal purposes.

This bill would appropriate $50,000 from the fund to the State Coastal Conservancy for administrative costs incurred in acquiring the Gray Whale Ranch in Santa Cruz County.

(2) Chapter 1241 of the Statutes of 1989, among other things, appropriated $300,000 from the Public Resources Account in the Cigarette and Tobacco Products Surtax Fund to the State Coastal Conservancy as a grant to the City of Half Moon Bay for Coastside Park planning and specifications.

This bill would appropriate $40,000 of the balance of those funds to the Department of Parks and Recreation for a grant to the Midpeninsula Regional Open Space District for the Skyline Ridge Open Space Preserve Interpretive Center.

(3) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1206 (AB 3929) Jones. Community colleges.

Existing law requires the Board of Governors of the California Community Colleges to adopt rules and regulations for determining program and service components and appropriation of resources to individual college districts for the education of handicapped students and rules and regulations requiring that programs and services for handicapped adults be provided by appropriately trained and credentialed professionals and paraprofessionals. Existing law requires the Chancellor of the California Community Colleges to apportion to each community college district for the purpose of funding the excess direct district cost of providing special facilities, special educational material, educational assistance, mobility assistance, transportation, program accountability, and program developmental services for handicapped students enrolled at a community college, as specified.

This bill would repeal those provisions and would require the board of governors to adopt rules and regulations for the administration and funding of educational programs and support services to be provided to disabled students, as specified. The bill would require that the regulations provide for the apportionment of funds to each community

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college district to offset the direct excess cost of providing specialized support services or instruction, or both, to disabled students according to a specified formula and other conditions.

Existing law provides for specified procedures for apportioning state aid to community colleges.

This bill would provide that for the 1991–92 fiscal year and each fiscal year thereafter, the base revenues for each community college district shall be computed in accordance with those procedures, including average daily attendance, as adjusted, that would have otherwise been funded in the previous fiscal year if one-time supplemental funding of instructional hours through the Budget Act were not available.

The bill would also correct an erroneous cross-reference with respect to community colleges.

Existing law provides that for the purposes of offsets, an amount due to a state agency from a person or entity shall include any amount due a community college district from a person for repayment of student financial assistance.

This bill would also include any other proper financial obligation due to the district or a college.

Existing law requires the State Department of Education to distribute adult education Federal State Legalization Impact Assistance Grant (SLIAG) funds to community colleges pursuant to a specified formula.

This bill would require the State Department of Education to reimburse community colleges for reimbursement claims showing actual costs higher than those reimbursable under the state's existing funding formula under specified conditions.

Ch. 1207 (AB 3242) Lancaster. Consumer affairs.

Existing law provides for the licensing and regulation of various businesses and professions pursuant to provisions of the Business and Professions Code.

This bill would revise specified provisions of that law by, among other things, doing all of the following: (1) making it unlawful for any person to fail to surrender to the issuing authority upon lawful written demand a license, registration, permit, or certificate which has been suspended, revoked, or canceled; (2) providing that a person who engages in any business for which a license is required may not bring an action for compensation for performance of any act for which a license is required without proving that he or she was licensed during the time of the performance of the act; (3) deleting an option for a registered nurse to take an examination in lieu of completing 30 hours of continuing education as a condition of renewal of a license; (4) requiring any applicant for a collection agency license to submit specified documents to the Bureau of Collection and Investigative Services rather than only requiring an applicant for an examination to submit those documents; (5) staggering the terms of office of the members of the Acupuncture Committee, as specified; (6) authorize the Board of Architectural Examiners to discipline a licensee of the board who fails to pay an administrative fine, as specified; (7) deleting bad moral character, intemperate habits, or a bad reputation as grounds for the refusal of permission to take the collection agency examination or to issue a qualification certificate; (8) deleting an obsolete provision relating to approval of an application for a collection agency certificate; (9) deleting an exemption for a collection agency licensed prior to May 2, 1941, from the requirement that every office be under the charge of a qualified certificate holder; (10) providing that the license of a locksmith shall expire 2 years from the date of issuance or an assigned date and making related changes; (11) deleting the requirement that private patrol operators must report the loss or theft of a deadly weapon to the Chief of the Bureau of Collection and Investigative Services; (12) specifying that a specified training requirement for purposes of the Private Investigator Act applies to the carrying of a firearm rather than the carrying of a deadly weapon in the course of employment as a security guard or patrolperson; (13) expanding the exemption from licensure as an alarm company operator to include any entity retained by the alarm company operator to monitor alarm systems, as specified; (14) including the installation and repair of motor vehicle burglar alarms within the definition of "service dealer" under the Electronic and Appliance Repair Dealer Registration Law and thus requiring registration; and exempting a person

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registered pursuant to that law from the requirement of registration under the Automotive Repair Act, under specified circumstances, and making similar provision for persons registered under that latter act; (15) expanding the scope of an existing misdemeanor provision relating to unlicensed activities, thus imposing a state-mandated local program by expanding the scope of an existing crime; (16) prohibit the use of experience gained in violation of the Tax Preparer Act for registration requirements for tax preparers or tax interviewers; (17) providing for the annual renewal of the registration of tax preparers and tax interviewers rather than an existing 2-year renewal; (18) provide that a tax preparer who does not renew his or her registration within 3 years of its expiration shall be required to obtain a new registration, as specified; and (19) deleting obsolete provisions and making other clarifying, technical, nonsubstantive changes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1208 (SB 2427) Mello. Conservatorships: reports of court investigator and regional center.

Existing law requires that when a petition for establishment of a limited conservatorship is filed, the proposed limited conservatee shall be assessed at a regional center. The regional center is required to submit a report of its findings and recommendations to the court.

Existing law also requires the court investigator to visit a conservatee when court review of the conservatorship is required. The court investigator is required to submit a report to the court regarding enumerated determinations.

This bill would require that both of these reports be confidential and be released only to specified individuals. This bill would requre the county clerk to make provision for the limitation of these reports to persons entitled to their receipt and would thereby impose a state-mandated local program.

Existing law requires the Controller to determine the statewide average cost per investigation or review by the court investigator, probation officer, or domestic relations investigator incurred by each county pursuant to specified provisions of existing law relating to filing of reports and recommendations during each fiscal year concerning proposed guardianships and conservatorships.

This bill would delete this requirement.

Existing law provides that transactions affecting real property entered into without knowledge of the existence of a conservatorship are not affected unless notice of the conservatorship has been recorded prior to the transaction.

This bill would include the existence of temporary conservatorships within this requirement of recordation.

Existing law, which becomes operative July 1, 1990, provides that if the petitioner for conservatorship does not have personal knowledge of specified facts, any person with personal knowledge may attest to those facts in an affidavit or declaration. This existing law also requires that petitioners provide specified information in their petition. Banks and other entities authorized to conduct the business of a trust company are exempted from part of these requirements.

This bill would delete the provision which allows any person to attest to specified facts, and would revise the provisions which exempt banks from providing certain information and would make a technical change.

This bill would incorporate additional changes in Section 1827.5 of the Probate Code, proposed by SB 2439, to be operative only if SB 2439 and this bill are both chaptered and become effective on or before January 1, 1990, and this bill is chaptered last. These changes would become operative on the operative date of SB 2439.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other

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procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1209 (AB 756) Isenberg. Reductions in appropriations.

Existing law requires the Director of Finance to provide to the Legislature, on or before May 21 of each year, estimates of General Fund revenues and the General Fund workload budget for the ensuing fiscal year, and provide for the reduction of payments under certain programs on July 1 of any fiscal year for which the Director of Finance and the Commission on State Finance have certified the estimation of the General Fund revenues is more than 0.5% less than the estimate of the General Fund workload budget for the ensuing fiscal year. The reduction would be by the same percentage as the estimate of revenues is less than the estimate of expenditures, to a maximum of 4%.

This bill would define workload budget for the above purposes.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1210 (AB 779) Eastin. State operations: emergency team.

Existing law does not provide for the establishment of procedures which shall be followed in the event of certain disruptions of state operations.

The bill would create the Emergency Response Team for State Operations, which shall be comprised of specified state officers, to work to improve the ability of state agencies to resume operations in a safe manner and with a minimum of delay after a business interruption has significantly interrupted the operations of a state agency.

The bill would also require the Department of General Services, in cooperation and consultation with the team, to develop a model business resumption plan which details how a responsible administrator should direct employees and agency operations during any business interruption.

The bill would require state agency leases entered into on or after January 1, 1991, to contain provisions regarding access to documents and information on the leased premises and provisions for late payments, interest penalties, and eviction procedures.

The bill would also require the Department of General Services on or before July 1, 1991, to develop procedures and policies to expedite normal procedures for purchasing, leasing, and contracting during a business interruption.

Ch. 1211 (AB 910) La Follette. Aging: California Adult Day Services Resource Development Project.

Existing law provides for the development of programs and policies regarding adult day care services in the state.

This bill would establish a pilot project known as the La Follette California Adult Day Services Resource Development Project. The project would research and design successful strategies to increase or add program capacity where need is identified, provide technical assistance and training for providers, develop and disseminate various materials, and perform other specified functions in regard to the development of adult day services programs. In addition, the bill would require the Director of the Department of Aging to contract with a private nonprofit organization to conduct certain activities.

This bill would require the selected private nonprofit organization, in consultation with the Legislative Analyst and the Department of Aging, to evaluate and report to the Legislature on the project on or before September 1, 1994.

The bill would also provide that state funds allocated for the purposes of the project would be matched by other public and private funding.

The bill would make various findings and declarations in regard to its provisions.

The bill would repeal the authorization for the project on January 1, 1996.

Ch. 1212 (AB 2063) Clute. Education: supervision of athletic activities: minimum qualifications.

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Existing law, which will be repealed on January 1, 1992, requires the State Board of Education to adopt rules and regulations establishing minimum qualifications for persons who are employed by school districts to serve in a limited assignment supervising the athletic activities of pupils, including, but not limited to, minimum educational and work experience standards to ensure that these employees are qualified to provide supervision and instruction of pupils participating in interscholastic athletic programs and activities, and requires that school districts comply with these requirements.

This bill would change the repeal date to January 1, 1994, and would require that the rules and regulations include, but not be limited to, a requirement that these persons be qualified in the subject of substance abuse prevention, including, but not limited to, tobacco, alcohol, steroids, and human growth hormones. The bill would provide that competency in substance abuse prevention for this purpose be evidenced by completion of a college level course, workshop, or seminar that includes instruction on substance abuse prevention and the physical and psychological effects of steroids and human growth hormones. These provisions would apply to all credentialed persons and staff providing instruction in or supervision of athletic activities. By extending the repeal date, and by requiring that school districts comply with these additional requirements, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 1213 (AB 2340) Farr. Department of Transportation: instrument flying.

Under existing law, the Department of Transportation is charged with the duty of encouraging, fostering, and assisting in the development of aeronautics in this state.

This bill would require the department to collaborate with the University of California, NASA Ames Research Center, and private sector entities in the development and implementation of a computerized cockpit instrument display. The bill would require the department to report on the status of the project to the Governor, the Legislature, and the Federal Aviation Administration on or before July 1, 1991, and annually thereafter, until the project is completed. The bill would specify that any funds necessary to carry out its provisions shall be obtained from public or private sources.

Ch. 1214 (AB 2606) Polanco. Joint powers agreements.

Existing law authorizes 2 or more public bodies, by agreement, to jointly exercise any power common to the contracting parties, if authorized by their legislative or governing bodies.

Existing law provides that all contracts awarded by state governmental entities for construction, certain professional services, materials, supplies, equipment, alteration, repair, or improvement shall have certain statewide participation goals of not less than 15% for minority business enterprises and 5% for women business enterprises. Existing law also specifies state contract participation goals of not less than 3% for disabled veterans' business enterprises.

This bill would specify that any state department or agency entering into a joint powers agreement with a federal, county, or city government or agency or public district shall ensure that these participation goals become a part of the agreement and apply to contracts executed by the joint powers agency.

Ch. 1215 (AB 2518) Tucker. Community college employees.

Existing law prescribes the workweek of a community college employee to be 40 hours and the workday to be 8 hours.

This bill would authorize a community college district to establish a 9-hour-per-day,

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80-hour-per-2-week work schedule, under certain conditions.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1216 (AB 2554) Quackenbush. Crimes.

Existing law does not provide that the tying, binding, or confining of any victim during the course of a felony is a circumstance in aggravation, to be used by the court in determining a defendant's sentence.

This bill would provide that when any person is convicted of a serious felony, as specified, and, during the course of that felony, engaged in the tying, binding, or confining of any victim, that fact shall be considered by the court to be a factor in aggravation, as specified, in determining the person's sentence.

Ch. 1217 (AB 2730) La Follette. Leaking underground storage tanks: liability insurance.

Existing law requires every owner or operator of an underground storage tank containing petroleum to establish and maintain evidence of financial responsibility for taking corrective action and compensating 3rd parties for damages arising from underground storage tank operations. Existing federal law, as added by the Hazardous and Solid Waste Amendments of 1984, requires the Administrator of the Environmental Protection Agency to adopt and enforce regulations concerning release detection, prevention, and correction with regard to underground storage tanks. The administrator is authorized to approve state programs regulating underground storage tanks in lieu of the federal program if the state program meets specified requirements.

This bill would require the Insurance Commissioner to investigate the need for an environmental impairment liability insurance program and to hold a hearing relating to the investigation. The commissioner would be required to submit, on or before July 1, 1991, a report to the Governor and the Legislature concerning the results of the investigation and the hearing. The bill would define a term.

The bill would appropriate $30,000 from the Insurance Fund to the commissioner to carry out the hearing required by the bill.

The bill would also make legislative findings and declarations.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1218 (AB 2850) Hauser. Crab traps.

(1) Existing law authorizes the taking of rock crab in any waters of the state, except in certain areas.

This bill would prohibit taking certain rock, red, and yellow crab which are less than a specified size. Because existing law would make a violation of this requirement a crime, the bill would impose a state-mandated local program.

(2) Existing law requires crab traps to have a minimum number of 4½-inch openings at specified locations, except that the opening requirement does not apply to crab traps used to take rock crab under a general fishing trap permit, as specified, in Fish and Game District 19 or 118.5.

This bill would revise and recast those provisions to require traps used to take dungeness crab to have not less than 4½-inch openings. The bill would require traps to take rock crab to have not less than 3¼-inch openings. The bill would require that any dungeness crab taken with a crab trap used to take rock crab to be immediately returned to the waters from which it was taken and would also require the return of rock crab taken with a dungeness crab trap to the waters from which it is taken. Because existing law would make a violation of these requirements a crime, the bill would impose a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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Ch. 1219 (AB 2965) Eastin. Hazardous waste: used oil.

(1) Existing law requires that used oil regulated by the State Department of Health Services shall be managed as a hazardous waste in accordance with the requirements of hazardous waste control laws until it has been recycled. A violation of hazardous waste control laws is a crime. Existing law defines recycled oil to mean any oil produced from used oil, which has been prepared for reuse and which achieves minimum standards of purity, as established by the department, including a standard relating to total halogens. Used oil containing more than a certain amount of total halogens is required to meet specified requirements. Existing law prohibits the use of used or recycled oil as a dust suppressant or weed control agent unless certain requirements are met concerning lead and chromium concentrations. Existing law exempts used oil, which meets the minimum standards of purity, is not hazardous, and is not mixed with specified hazardous waste, from regulation by the department.

This bill would revise the standards of purity relating to total halogens which recycled oil is required to achieve. The bill would revise the standards for lead and chromium, and would impose new standards, for dust suppressant or weed control use. The bill would require any person claiming that oil complies with those standards to take specified actions. The bill would require persons authorized to recycle oil to maintain records of incoming and outgoing used oil and documentation concerning the recycling technology utilized to demonstrate to enforcement agencies that the recycling has achieved the specified standards, thereby imposing a state-mandated local program by creating new crimes. The bill would revise the requirements which used oil containing more than a certain amount of total halogens is required to meet. The bill would require used oil facilities that are the first to claim that the used oil is exempt from regulation to maintain an operating log and copies of specified certification forms, thereby imposing a state-mandated local program by creating new crimes.

(2) Existing law requires any person who transports recycled oil to maintain with each shipment of recycled oil specified information and documentation.

This bill would instead require any person who transports recycled oil or oil which is exempted from regulation by the department to maintain with each shipment a specified certification form, thereby imposing a state-mandated local program by creating new crimes. The bill would subject that form to auditing and require the form to be maintained for 3 years.

(3) Existing law requires a used oil recycler to ensure that all recycled oil transported from the recycling facility has been tested and certified for compliance with specified standards. Existing law requires that records of specified tests performed and a copy of a specified form be maintained for 3 years.

This bill would require the used oil recycler to test the recycled oil, pursuant to a specified method, prior to transportation. The bill would require a generator claiming that used oil is exempted from regulation to ensure that all used oil for which the exemption is claimed has been tested and certified for compliance with specified standards, prior to transportation from the generator location and would require that these specified records and forms be maintained for 3 years, subject to audit and verification by the department or the board. The bill would require that used oil recycler or generator to record in an operating log specified information on each shipment of recycled or exempted oil, and to retain the information for 3 years, thereby imposing a state-mandated local program by creating new crimes.

(4) Existing law exempts any person operating a refuse removal vehicle or a curbside collection vehicle used to collect or transport used oil from specified requirements.

This bill would exempt those refuse removal and curbside collection operations from specified permit requirements, if the storage location meets specified requirements. The bill would provide that used oil collected by those operations is deemed to be generated by the storage location upon receipt and would exempt that used oil from specified generator fees.

(5) Existing law provides that any person who receives used oil from consumers or other used oil generators is exempt from hazardous waste facility permit requirements with respect to any location at which used oil is received if specified conditions are met,

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including that no other hazardous waste is received at the location other than lead-acid storage batteries and antifreeze.

This bill would delete allowing lead-acid storage batteries and antifreeze to be accepted at such an exempted location, except as specified.

(6) Existing law requires any person who transports hazardous waste in a vehicle to have a manifest and a valid registration issued by the department in his or her possession while transporting the hazardous waste. Existing law prohibits an owner or operator of specified facilities to accept, treat, store, or dispose of a hazardous waste at those facilities, unless the owner or operator holds a hazardous waste facilities permit or other grant of authorization from the department.

This bill would authorize, under specified conditions, the transfer of used oil generated during maintenance operations from its point of generation to a maintenance person's place of business, except as specified, to consolidate the used oil in a tank or container without meeting those requirements.

(7) Existing law requires all rules and regulations of the department to be adopted, amended, and repealed in accordance with specified procedures.

This bill would repeal that requirement.

(8) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1220 (AB 2980) Wright. Civil procedure: personal consumer records.

Existing law provides that a person who, by subpoena duces tecum, seeks the production of personal records of a consumer, as defined, which are maintained by a witness as specified, must give notice to the consumer by delivering a copy of the subpoena, the affidavit supporting the issuance of the subpoena, and a specified notice to the consumer, as specified.

This bill would add "chiropractor," "title insurance company," and "escrow agent," as specified, to the list of "witnesses" the subpoena of records from whom the above described provision is applicable

Ch. 1221 (AB 3003) Bader. School facilities.

Under existing law, at least 30% of the allowable new building construction for classrooms under a project to be funded under the Leroy F. Greene State School Building Lease-Purchase Law of 1976 is required to be used for relocatable structures. Relocatable structures acquired by up to 2 years prior to final approval of the project are to be applied to meet that 30% requirement.

This bill would specify that relocatable structures acquired up to 10 years prior to the final approval of the project apply to the 30% requirement, provided certain conditions are met.

Ch. 1222 (AB 3024) Polanco. Model curriculum standards.

Existing law requires the Superintendent of Public Instruction, on a cyclical basis, to coordinate the development of model curriculum standards for courses required for graduation from high school.

This bill would request the superintendent to include guidelines for instruction concerning anorexia nervosa and bulimia when the periodic revisions to the model curriculum standards are made.

Ch. 1223 (AB 3114) Chacon. Manufactured housing and mobilehomes: maximum purchase price, roof overhangs, Cal-Vet program.

(1) Existing law prohibits a city, including a charter city, county, or city and county, from imposing size requirements for a roof overhang of a manufactured home subject to specific provisions, unless the same size requirements also would be imposed on a conventional single-family residential dwelling constructed on the same lot.

This bill would provide that when there are no size requirements for roof overhangs

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for both manufactured homes and conventional single-family residential dwellings, a city, including a charter city, county, or city and county, may impose a roof overhang on manufactured homes not to exceed 16 inches.

(2) Under the Veterans' Farm and Home Purchase Act of 1974, known as the "Cal-Vet" program, the Department of Veterans Affairs may expend not more than $90,000 for the acquisition of a mobilehome sited on a lot owned by the veteran purchaser and installed on a foundation for purposes of sale to the veteran purchaser pursuant to the program.

This bill would increase the maximum purchase price of such a mobilehome to the department under the Cal-Vet program to $125,000.

(3) This bill would incorporate additional changes in Section 987.65 of the Military and Veterans Code proposed by SB 2007, to be operative only if SB 2007 and this bill are both chaptered and become effective January 1, 1991, and this bill is chaptered last.

Ch. 1224 (AB 3123) Pringle. Mobilehome park purchases.

Under existing law, the Department of Housing and Community Development is authorized to make loans from the Mobilehome Park Purchase Fund, which is continuously appropriated, to resident organizations to finance mobilehome park acquisition and conversion costs and to make loans to low-income residents to enable them to reduce their monthly housing costs in connection with that conversion.

Existing law defines "mobilehome park," among other terms, for the purposes of these provisions

This bill would define "mobilehome park" to include a senior park and would define "program" as the Mobilehome Park Resident Ownership Program.

Existing law defines "resident organization" as including at least ⅔ of the households residing in the mobilehome park at the time of application for assistance from the department but specifies that membership in the organization when the application is made to the department for financing mobilehome park conversion costs for low-income residents, as defined, is not a requirement and that the ⅔ of the households in the park need not be the households which were in the resident organization when the application for funding a loan for financing mobilehome park conversion costs was made.

This bill would revise the definition of "resident organization" to expressly provide that the ⅔ of households in the resident organization at the time of funding need not be the same households that were residing in the park when the application was made to the department. The bill would also expressly specify that a household's membership in the resident organization when the application is made cannot be a requirement for that household to receive a loan or assistance. By authorizing the expenditure of funds for a new purpose from a continuously appropriated fund, the bill would make an appropriation.

Existing law prohibits loans which enable a resident organization to acquire and convert a mobilehome park from exceeding 50% of the approved conversion costs and sets the interest rate at 7%.

This bill would permit loan amounts up to 95% of the approved conversion costs attributable to the low-income households in the park when approved by the department and when specified conditions are met. The bill would prohibit the total indebtedness upon the mobilehome park from exceeding 95% of the value of the collateral securing the loan. The bill would change the interest rate to 3%.

Existing law concerning loans from the fund to low-income residents of mobilehome parks converted to resident ownership or to resident organizations for conversions set an interest rate of 7% and prohibit loan amounts from exceeding 50% of the acquisition costs of the individual interests in the mobilehome parks. Loan amounts are also prohibited from exceeding 50% of the conversion costs attributable to the low-income spaces. The total indebtedness upon individual interests is prohibited from exceeding 90% of the value of the collateral securing the loan.

This bill would revise the interest rates on those loans to 3% and would permit loan amounts for up to 95% of the conversion costs when approved by the department and when specified conditions are met. The bill would prohibit the total indebtedness upon individual interests from exceeding 95% of the value of the collateral securing the loan.

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This bill, in authorizing the department to increase the size of loans and reducing the interest rate on those loans which are made from a continuously appropriated fund, would constitute an appropriation.

Ch. 1225 (AB 3282) Bates. AFDC: emergency assistance.

Existing law requires the State Department of Social Services to operate an Emergency Assistance for Needy Families with Dependent Children Program to the extent federal funds are available.

This bill would repeal this program.

This bill would appropriate the unexpended amount in the Restitution Fund for child welfare services in the 1990–91 fiscal year.

The bill would also declare that it is to take effect immediately as an urgency statute.

Ch. 1226 (AB 3395) Eastin. Computer mapping.

Existing law defines the practice of civil engineering and the practice of land surveying and each law prohibits a person from engaging in those practices which are included in the definitions of those terms unless licensed to engage in either of those practices.

This bill would include in those definitions the creation, preparation, or modification of electronic or computerized data in the performance of specified activities of civil engineering and land surveying.

The bill would impose a state-mandated local program by adding new crimes since a violation of either provision constitutes a misdemeanor.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1227 (AB 3413) Polanco. Health care: congregate living facilities: pediatric day health and respite care facilities: licensure.

(1) Existing law provides for the licensure of congregate living health facilities to provide specified services to 3 different population groups: (a) mentally alert, physically disabled persons who may be ventilator dependent, (b) terminally ill persons, and (c) catastrophically and severely disabled persons. Existing law also requires the State Department of Health Services to adopt regulations for the licensure of congregate living health facilities no later than January 1, 1991, and pending the adoption of regulations, requires the licensure by the department of congregate living health facilities serving persons who are terminally ill, catastrophically and severely disabled, or both if specified requirements are satisfied.

This bill would add persons who have a diagnosis of a life-threatening illness, as defined, as a 4th population group to which a congregate living health facility may provide services, and would require the department to adopt regulations for the licensure of congregate living health facilities serving persons who have a diagnosis of a life-threatening illness, no later than January 1, 1991. The bill would require the regulations to ensure that the residents of these facilities receive supportive health services based on individual resident acuity levels in the most normal, least restrictive physical and rehabilitative environment for individual resident needs.

(2) Existing law also requires the State Director of Health Services to deny an application for a license of a new congregate living health facility if he or she determines that the location is in the proximity to specified existing health facilities which would result in an overconcentration of health facilities in a neighborhood.

This bill would amend the above provisions regarding overconcentration to include congregate living health facilities serving persons who have a diagnosis of life-threatening illness.

(3) Existing law provides for the interim regulation of congregate living health facilities, exempts the regulations from certain administrative review requirements, and also provides that the interim regulations become inoperative upon the filing of the permanent regulations, or on January 1, 1991, whichever occurs first.

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This bill would delete the administrative review exception and would provide that the interim regulations shall become inoperative upon the filing of the permanent regulations with the Secretary of State, or on July 1, 1993, whichever occurs first.

(4) Existing law, the Long-Term Care, Health, Safety, and Security Act of 1973, contains provisions requiring the department to perform certain duties relating to the enforcement of quality of care standards provided by long-term care facilities, as defined, and a violation of those provisions is punishable as a misdemeanor and by civil penalties.

This bill would require the department to adopt regulations for the licensure of, and to license, pediatric day health and respite care facilities, as defined. The bill also would require the department to establish an advisory committee of experts to assist in the development of the regulations, as specified. The bill would provide that pending the adoption of the regulations, an entity may be licensed if it meets interim regulations administered by the department for congregate living health facilities.

The bill would specify the services that pediatric day health and respite care facilities are required to provide, including medical and nursing services, and examples of services which may be provided, including physical therapy. The bill would require a child accepted for care in a pediatric day health and respite care facility to satisfy prescribed criteria, including being medically stable.

The bill would require pediatric day health and respite care facilities to meet the same fire safety standards adopted by the State Fire Marshal and the same seismic safety standards that apply to community care facilities. The bill would require the fire safety standards to be uniformly enforced by state and local fire authorities, thereby imposing a state-mandated local program. The bill would also require a pediatric day health and respite care facility of 6 beds or less to be considered a residential use of property.

The bill would include respite care facilities within the definition of long-term health care facilities for purposes of the Long-Term Care, Health, Safety, and Security Act of 1973, thereby imposing a state-mandated local program by changing the definition of a crime. The bill also would require the department to define the bed classification of pediatric day health and respite care facility for health facilities, would specify the annual fee for the licensure of a pediatric day health and respite care facility, and would include pediatric day health and respite care facilities within provisions aimed at preventing the overconcentration of similar facilities in residential neighborhoods.

(5) This bill would make additional conforming changes to Section 1250 of the Health and Safety Code, if SB 1524 is enacted before this bill.

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that for certain costs no reimbursement is required by this act for a specified reason.

However, the bill would provide that, if the Commission on State Mandates determines that this bill contains other costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be payable from the State Mandates Claims Fund.

(7) This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1228 (AB 3421) Costa. Horseracing: satellite wagering.

Under existing law, any racing fair has the exclusive right to send its signal to satellite wagering facilities in the northern zone if there is an overlap in the northern zone between a racing fair, except as specified, and any other association, if the California Horse Racing Board makes a specified determination. Existing law authorizes any association that is not a fair that conducts races in the northern zone to send its signal to a satellite wagering facility located at another association that is not a fair in the northern zone.

This bill would, until January 1, 1993, require that, when both a fair and a thoroughbred association are licensed by the board to conduct live racing meetings within the

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northern zone on at least 10 days during the same calendar period, signals of both racing programs be accepted at each live racing meeting within the northern zone and at all satellite wagering facilities eligible to receive these programs. The bill would require any thoroughbred association which conducts live racing during this period to deduct the same percentage from the total amount wagered in its daily conventional and exotic parimutuel pools as deducted by the fair meeting, and to distribute that amount as specified.

The bill would, until January 1, 1993, provide for distribution of commission revenues at satellite wagering facilities for those periods of overlap of programs of thoroughbred associations to the 2nd District Agricultural Association and the California Exposition and State Fair, as prescribed.

The bill would declare that it is to take effect immediately, as an urgency statute.

Ch. 1229 (AB 3538) Speier. New buildings: detoxification.

Existing law establishes various standards and requirements regarding the health and safety of occupants of various buildings.

This bill would require the State Department of Health Services to develop nonbinding guidelines for the reduction of exposure to volatile organic compounds from construction materials in newly constructed or remodeled office buildings, as specified, submit them to the Legislature, and file copies with the Department of General Services and the State Building Standards Commission, by January 1, 1992, and would specify that the guidelines shall be exempt from prescribed procedures applicable to adoption of regulations.

Ch. 1230 (AB 3625) Farr. Technology development, deployment, and commerce.

(1) Existing law designates specific offices in the Department of Commerce.

This bill would add the Office of Foreign Investment to the enumerated offices in the department.

(2) Existing law does not provide for the development of a strategic plan for technology development and deployment.

This bill would request that the California Council on Science and Technology appoint a select panel, as specified, to develop a plan referred to as "Toward the 21st Century—A California Strategic Plan for Technology Development and Deployment." The panel's specific membership composition would be determined by the council. The panel would be administered by a full-time staff director with the assistance of appropriate technical and clerical support personnel as well as technology and economic development consultants. This plan would include suggested statewide policies, goals, and priorities with accompanying implementation strategies to address the full range of the technology cycle, including, but not limited to, technology innovation, technology transfer, technology transition, technology deployment, and global market access. The panel would also be required to identify or develop technology transition and technology deployment models appropriate for California, and the Department of Commerce and the Employment Training Panel would be required to plan and issue a request for proposals for specific pilot programs.

The bill would require the council to submit the plan to the Governor and the Legislature no later than December 31, 1992.

Ch. 1231 (AB 3794) Eaves. Pupils: expulsion.

Existing law requires the principal or the superintendent of schools to recommend a pupil's expulsion if the pupil causes serious physical injury to another person except in self-defense, possesses any designated dangerous object, sells any designated controlled substance, or commits robbery or extortion, except as specified.

Existing law authorizes the governing board of a school district to deny enrollment to an individual who has been expelled from another school district for the remainder of the expulsion period, after it has determined pursuant to a hearing that the individual poses a potential danger to either the pupils or employees of the school district.

Existing law requires the governing board of each school district to establish rules and regulations governing procedures for the expulsion of pupils, including, but not limited

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to, prescribed minimum requirements. Existing law requires that written notice of any decision to expel or to suspend the enforcement of an expulsion order during a period of probation be sent to the pupil or the pupil's parent or guardian.

This bill would require a school district to respond to the request of another school district regarding the expulsion or recommendation for expulsion of an applicant for enrollment, as specified.

This bill would require the notification of expulsion to include the obligation of the parent, guardian, or pupil to inform any new school district in which the pupil enrolls that the pupil has been expelled, and would impose that obligation on the parent, guardian, or pupil.

The bill also would require the governing board of the expelling district to enclose a copy of the statement of the reasons for the expulsion with the records it forwards upon request of the new district.

The bill would prohibit the statement of reasons for the expulsion from being disclosed except to the pupil, his or her family, the expelling district, and the new district.

The requirements imposed upon the governing boards of school districts by this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 1232 (AB 3820) W. Brown. *Courts: trial court delay reduction.*

(1) Existing law provides that a civil case is entitled to preference upon motion of a party who has reached the age of 70 years, except as specified.

This bill would authorize an affidavit in support of such a motion to be signed by an attorney for the party seeking preference, as specified.

(2) Existing law provides for the examination of prospective jurors in criminal cases by the court, as specified.

This bill would enact provisions providing for the examination of prospective jurors in civil cases, as specified.

(3) Existing law establishes the Trial Court Delay Reduction Act of 1986, a 3-year exemplary delay reduction program for specified trial courts.

This bill would revise and recast these provisions. The bill would impose new requirements governing cases under the program and would require new duties of the Judicial Council. The bill would also extend these provisions to all actions and proceedings in superior courts on and after July 1, 1992, except as specified, and extend the program indefinitely, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program.

(4) Existing law authorizes for judges in San Diego County that, with the approval of the board of supervisors, judges shall receive percent of retirement contribution offset to the same extent as provided for a certain county officer.

This bill would delete the authorization for receipt of percent of retirement contribution offset, and would provide, generally, that no county shall directly or indirectly pay from its funds the member contributions required by law for the Judges' Retirement Fund, to become operative January 9, 1991, as specified.

The bill would also require additional benefits to be provided for superior and municipal court judges in Riverside County, as specified, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program. The bill would also authorize the board of supervisors in Riverside County to provide other, additional benefits for superior and municipal court judges in that county, as specified. The bill would state the intent of the Legislature in this regard.

(5) The California Constitution requires the state to reimburse local agencies and

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school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 1233 (AB 3833) Moore. Insurance: annual statement.

Existing law requires every admitted insurer to file, on or before the 1st day of March of each year, an annual statement of its condition and affairs with the Insurance Commissioner, as specified.

This bill would require an additional financial report, as specified, audited by an independent certified public accountant to be filed on or before June 30 of each year.

The bill would also provide that the commissioner (1) may grant an extension to that filing date under certain circumstances, (2) shall require the filing of an audited consolidated financial report by insurers in the same holding company system, except as specified, and (3) may promulgate regulations.

Ch. 1234 (AB 3880) Farr. Education.

Existing law provides that where expulsion of a pupil from a school is being processed by the governing board, the school district superintendent or the superintendent's designee may extend a suspension of the pupil until the governing board has rendered a decision in the action. Existing law also provides that a governing board may suspend a pupil from school for any of certain enumerated acts for up to 20 or 30 days in a school year, depending on the circumstances.

This bill would limit the suspension of an individual with exceptional needs to a period of no more than 10 days unless the pupil's parent or guardian agrees to a longer suspension or a court order authorizes a longer suspension.

Existing law requires that in determining whether an individual with exceptional needs should be expelled, the governing board must rely on a determination by the individualized education program team, and the team must base its decision on certain information.

This bill would require the team to base its decision on the results of a preexpulsion educational assessment conducted in accordance with specified federal guidelines, and including the categories of information enumerated in the existing law. This bill would also clarify the procedural safeguards required when a governing board is considering expulsion of an individual with exceptional needs, and would delete obsolete provisions of existing law regarding procedural safeguards.

Existing law provides that a governing board, upon voting to expel a pupil, may suspend the enforcement of the expulsion order for a period of up to one year.

This bill would require that the governing board's criteria for suspending the enforcement of an expulsion order be applied equally to all pupils, including pupils with exceptional needs, as defined.

Existing law provides that when an individual with exceptional needs transfers to a different school district operating under a different local plan than the one in which the pupil was last enrolled in a special education program, the administrator of the local program may place the pupil in an interim program comparable to the one in which the pupil was previously enrolled for a period of up to 30 days, while the individualized education program team reviews the interim placement and makes a final recommendation.

This bill would instead require the administrator of the local program to ensure that the pupil is immediately provided an interim placement, for a period not to exceed 30 days, in conformity with an individualized education program, unless the parent or guardian agrees otherwise.

The bill would impose a state-mandated local program by requiring school districts to conform their suspension, expulsion, and transfer procedures to the requirements

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described above.

The bill would also state the intent of the Legislature that the changes effected by the act shall serve only to conform state law to federal law, and shall not impose additional state requirements.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 1235 (AB 3926) Friedman. Real property: short-term hirings.

Existing law excludes transient occupancy in a hotel, motel, residency club, or other facility, as specified, from the rights granted to tenants who hold month-to-month or for longer periods.

This bill would prohibit a person from requiring an occupant to move or to check out and reregister, if a purpose is to avoid application of the rights granted tenants who hold month-to-month or for a longer period, except as specified. Violation of this provision would be punishable by a civil penalty of $500, and the prevailing party would be entitled to reasonable attorney's fees.

Ch. 1236 (AB 4033) Roybal-Allard. Legal services: State Bar task force.

Existing law provides for licensing and regulation of attorneys by the State Bar of California

This bill would require the State Bar to establish a task force that would study and develop policy recommendations to provide consumers with an avenue for filing complaints about professional legal practitioners, out-of-state attorneys, and persons fraudulently posing as attorneys, as specified. The bill would require the task force to report to the judiciary committees of the Legislature, as specified, on or before December 1, 1991.

Ch. 1237 (AB 4098) Sher. Forest practices: timber operations.

(1) Under existing law, "timber operations" is defined, for purposes of the Z'berg-Nejedly Forest Practice Act of 1973, as the cutting or removal of timber or other solid wood forest products from timberlands for commercial purposes.

This bill would define commercial purposes to include (a) the cutting or removal of trees which are processed into logs, lumber, or other wood products and offered for sale, barter, exchange, or trade, or (b) the cutting or removal of trees or other forest products during the conversion of timberlands to land uses other than the growing of timber.

(2) Under existing law, any person who owns timberlands which are to be devoted to uses other than the growing of timber is required to file an application for conversion with the State Board of Forestry.

This bill would require an application for a timberland conversion permit to be accompanied by an application fee, as specified, and would require the board to establish a system of graduated timberland conversion permit fees The bill would make related changes.

Ch. 1238 (AB 4276) Baker. State finance.

(1) Existing law authorizes the Director of Finance, with the consent of the Governor, to authorize the creation of deficiencies in the amount of $25,000 or more in any appropriation of money made by law in cases of actual necessity and is required to authorize the payment of deficiencies out of any money which may be appropriated for those purposes. If the deficiency is less than $25,000, the director may authorize it without the consent of the Governor.

This bill would instead authorize the director to permit the creation of a deficiency

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in an appropriation without the consent of the Governor regardless of the amount of the deficiency.

(2) The bill would also provide that in determining whether the General Fund budget, in any given fiscal year, is in a surplus or deficit condition, the controlling factor shall be the fund balance which is the difference between total resources and total expenditures, as specified.

(3) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1239 (AB 2076) Johnston. Insurance.

Under existing law, the Governor, upon recommendation of directors of specified departments, including the Department of Insurance, is authorized to appoint not to exceed one chief deputy.

This bill would require the Governor, upon nomination by the Insurance Commissioner, to appoint one chief deputy, and one deputy director of the Department of Insurance to serve at the pleasure of the commissioner.

Under existing law, the Department of Insurance is in the Business, Transportation and Housing Agency.

This bill would remove the Department of Insurance from the Business, Transportation and Housing Agency.

Ch. 1240 (SB 209) Morgan. Highways: freeway construction: agreements.

(1) Under existing law, the Department of Transportation may enter into an agreement with a county or city to permanently close a county highway or city street when it constructs a freeway or to provide for carrying the highway or street over, under, or to a connection with the freeway. Existing law also authorizes the department to construct a freeway without such an agreement if construction has commenced along the adopted route but has not been completed so that there is an existing gap due to an impasse because of a lack of freeway agreements by all affected jurisdictions, and if other specified conditions are met.

This bill would, in addition, permit the department to enter into a freeway agreement with the county board of supervisors to construct a freeway if, among other things, construction has commenced but has not been completed due to the absence of a freeway agreement, the project is wholly or partly funded by a locally imposed sales and use tax dedicated exclusively for transportation purposes, and the county transportation authority was in existence on or before December 31, 1984. The bill would require the board of supervisors to conduct a hearing to define and resolve the impasse, and to adopt a resolution, as specified, binding on all local entities involved in the impasse, resolving that impasse, thereby imposing a state-mandated local program.

The bill would require the county transportation authority to include the terms of that resolution in its transportation expenditure plan, as specified, and to establish funding priorities if needed, thereby imposing a state-mandated local program.

In proceeding under these provisions, the bill would require the department and the county transportation authority to meet and confer with affected counties and cities on the design of the freeway, thereby imposing a state-mandated local program.

The bill would make these provisions inoperative if the Director of Transportation (a) finds and determines that each local agency involved in an impasse, as determined by the county transportation authority, has entered into a freeway agreement by October 1, 1990, and (b) so notifies the Secretary of State. The bill would repeal these provisions on January 1, 1991.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

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(3) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1241 (SB 403) Watson. AIDS.

Existing law requires the Office of Family Planning in the State Department of Health Services to make available comprehensive medical knowledge, assistance, and services relating to the planning of families to citizens of childbearing age, and requires the office to enter into contracts as may be deemed necessary for the provision of services.

This bill would require any family planning program that contracts with the office to (1) provide culturally relevant brochures or other written materials to each client describing the high-risk conditions and behaviors for becoming infected with HIV, and (2) provide information and referrals, as needed, to local confidential or anonymous testing and counseling sites, AIDS education programs and other supportive services.

This bill would provide that the provisions of the bill relating to the requirement that family planning programs provide brochures, information, and referrals shall be operative on July 1, 1991, except this provision would not become operative in any fiscal year unless funds allocated in that fiscal year to family planning by the department are greater than the amount allocated by the department to family planning for the 1990–91 fiscal year, or funds specifically targeted for that purpose become available, and would require the State Director of Health Services to make that determination and notify the Legislature on or before February 1 of each year.

The bill would require that the department review existing AIDS programs and report its findings to the Legislature, and that both be implemented with existing funds and resources.

Ch. 1242 (SB 433) Davis. Community colleges.

Existing law provides for the establishment and support of the California Community Colleges and for the Board of Governors of the California Community Colleges.

This bill would appropriate $466,549 in augmentation of Item 6870-011-001 of Section 2.00 of the Budget Act of 1990, for purposes of Special Services and Operations, and Faculty and Administrative Credentials.

This bill would declare that it would take effect immediately as an urgency statute.

Ch. 1243 (SB 1647) Rosenthal. Driving offenses: fingerprinting.

Existing law requires any person arrested for driving a motor vehicle while under the influence of an alcoholic beverage, any drug, or both, driving with an excessive blood-alcohol concentration, or driving when addicted to any drug, to be taken without unnecessary delay before a magistrate, as specified. If the magistrate or a person authorized to act for him or her is unavailable, the officer is required to take the person before the clerk of the magistrate to be admitted to bail or to the most accessible jail, where the officer in charge is required to release the person on bail or on the person's written promise to appear.

This bill would require the Department of Justice to implement an 18-month pilot fingerprinting project in a county or a portion of a county designated by the department, with the county's consent, relating to fingerprinting persons arrested for those driving offenses using a livescan fingerprint computer system, and statistically tracking those persons for subsequent offenses. The bill would require the designated county, with assistance from the Bureau of Crime Statistics, to prepare and submit a report to the Legislature thereon on or before November 1, 1992.

The bill would appropriate $145,000 from the Fingerprint Fees Account in the General Fund to the Department of Justice for allocation, as specified, to pay the costs of the department and the county sheriff in implementing the pilot project.

Ch. 1244 (SB 1768) Presley. Judgments and settlement claims against the state: appropriation. [24]

(1) Existing law requires the Attorney General to report to the Legislature when there is no sufficient appropriation available for the payment of a claim against the state.

This bill would require the Attorney General to notify the Controller when an appropriation is made to the Department of Justice or to the Attorney General to pay those

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claims and would appropriate $997,287.32, as scheduled, to the Attorney General and the Department of Industrial Relations to pay specified judgments and settlement claims.

(2) Existing law requires state agencies to report actions taken to prevent future claims to the Governor, the Legislature, and the Attorney General.

This bill would require the reports to be made to the Director of Finance and the Legislative Analyst. The Legislative Analyst would then be required to report to the Legislature, as specified.

(3) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1245 (SB 1923) Doolittle. Parks: Old Governor's Mansion State Historic Park; City of Folsom lands.

(1) Under existing law, the Governor's Mansion, located at 1526 H Street, Sacramento, is under the control and management of the Department of Parks and Recreation and is to be maintained as a state monument at such times as it is not needed as a residence.

This bill would require that the Governor's Mansion be named the Old Governor's Mansion State Historic Park, subject to the approval of the State Park and Recreation Commission.

The bill would require the Director of General Services to transfer jurisdiction over the property and all its contents to the Department of Parks and Recreation, which would administer the property as a unit of the state park system.

(2) This bill would authorize the Director of Corrections to lease to the City of Folsom, at a lease amount to be determined by the director, specified lands within Rancho Rio de Los Americano for a park, greenbelt, courthouse, or police station for a period not to exceed 50 years. The bill would specify related matters.

Ch 1246 (SB 1979) Robbins. California Health Insurance Guaranty Association.

Existing law provides for the establishment of the California Insurance Guarantee Association to pay covered claims of member insurers who become insolvent. That association is composed of insurers of various classes, but does not include disability insurance.

This bill would provide for the establishment of the Robbins-Seastrand California Health Insurance Guaranty Association to provide coverage for insurers unable to pay claims under health and supplemental policies or contracts due to insolvency or impairment, as specified. Disability insurers and other entities subject to the jurisdiction of the Department of Insurance, among others, but excluding nonprofit hospital service plans, health care service plans, and fraternal benefit societies, would be required to organize the association, subject to the approval and supervision of the Insurance Commissioner.

The bill would specify the duties and powers of the association, as specified.

Ch. 1247 (SB 2024) Mello. Task force on aging.

Existing law provides various services for elderly persons.

This bill would authorize the Health and Welfare Agency to designate a lead department, which shall convene a task force, which would remain in existence until January 1, 1993, to inventory, review, and evaluate existing data collection and management information systems currently used by various programs for elderly persons, to research the feasibility of integrating the systems of data collection and management of client and service information, and to formulate recommendations to reduce the duplication of efforts and provide accurate and comprehensive information regarding older persons and the younger functionally impaired adults.

The bill would require the Health and Welfare Agency to report to the Legislature on its findings and recommendations to the appropriate committees of the Legislature by July 1, 1992.

Ch. 1248 (SB 2040) Keene. Oil spills.

(1) Under existing law, the Governor is authorized to establish a state oil spill contingency plan pursuant to specified provisions of the California Emergency Services Act.

This bill would enact the Lempert-Keene-Seastrand Oil Spill Prevention and Re-

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sponse Act. The bill would require the Governor to appoint an administrator for oil spill response who shall be a chief deputy director of the Department of Fish and Game. The bill would require the Governor to establish a state oil spill contingency plan pursuant to the California Emergency Services Act. The bill would require the Governor to amend that plan by adding a marine oil spill contingency planning section, which provides for the best achievable protection, as specified, of the coast and marine waters by January 1, 1993, consisting of specified elements and would require the Governor to ensure that the state fully and adequately responds to all oil spills in marine waters. The bill would create the State Interagency Oil Spill Committee, as prescribed, would create the Review Subcommittee of the State Interagency Oil Spill Committee, as prescribed, and would specify related matters.

The bill would prescribe the powers and duties of the administrator concerning prevention, removal, abatement, response, containment, and cleanup of oil spills in marine waters of the state. The bill would specify marine safety requirements for tankers, barges, and marine terminals operating in marine waters. The bill would require specified notification of the Office of Emergency Services concerning oil spills. The bill would require the preparation and implementation of oil spill contingency plans in accordance with prescribed procedures and requirements. The bill would, operative January 1, 1992, require every operator of a vessel used to transport oil across marine waters of the state or operator of a marine facility to obtain a certificate of financial responsibility in accordance with prescribed requirements.

The bill would create the Oil Spill Prevention and Administration Fund and would require every marine terminal operator and each operator of a pipeline transporting oil into the state across, under, or through marine waters to pay an oil spill prevention and administration fee not to exceed 4¢ per barrel. The bill would require the fees to be deposited in the fund, to be available, upon appropriation by the Legislature, for specified purposes.

The bill would create the Oil Spill Response Trust Fund. The bill would, with specified exceptions, require every operator of a refinery to pay an oil spill response fee of 25¢ per barrel of crude oil received, subject to adjustment by the administrator, as prescribed, and with respect to each barrel of petroleum products imported into the state or transported out of the state by specified means, impose a similar fee, for deposit in the Oil Spill Response Trust Fund, thereby imposing a tax for purposes of Article XIII A of the California Constitution. The bill would continuously appropriate moneys in the fund to the administrator for specified oil cleanup purposes.

The bill would provide for the state to borrow funds, in accordance with prescribed requirements, for oil spill response, containment, cleanup, wildlife rehabilitation, and payment of damages under specified circumstances. The funds borrowed would be special obligations of the state secured solely by the revenues received from specified fees under the bill.

The bill would create an Oil Spill Technical Advisory Committee, as prescribed, to provide public input and independent judgment of the actions of the administrator and the State Interagency Oil Spill Committee, as prescribed.

The bill would make any responsible party, as defined, absolutely liable for any damages incurred by any injured party which arise out of, or are caused by, the discharge or leaking of oil into marine waters in accordance with prescribed provisions and would specify related matters.

The bill would prescribe enforcement procedures and powers, including specified civil and criminal penalties, thereby imposing a state-mandated local program. The bill would create the Environmental Enhancement Fund, require all penalties to be deposited in the fund, and make available, upon appropriation by the Legislature, the moneys in the fund to the administrator for specified projects.

The bill would require responsible parties to fully mitigate adverse impacts to wildlife, fisheries, wildlife habitat, and fisheries habitat in accordance with prescribed procedures and requirements.

The bill would require the administrator to establish rescue and rehabilitation stations for sea birds, sea otters, and other marine mammals, as prescribed.

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The bill would authorize the administrator to prohibit an owner or operator of a marine terminal from delivering or accepting oil to or from any tanker or barge where the administrator makes specified findings in accordance with specified procedures and requirements.

The bill would specify related powers and duties of the State Lands Commission.

The bill would make related changes.

The bill would make legislative findings and declarations

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(3) The bill would appropriate $12,000,000 from the Oil Spill Prevention and Administration Fund.

(4) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1249 (SB 2065) Davis. Firearms: concealed or loaded firearm: justification.

Existing law, with limited exceptions, provides that any person who carries a concealed firearm, as specified, without a license to do so is guilty of a misdemeanor.

Existing law, with limited exceptions, also provides that every person who carries a loaded firearm on his or her person or in a vehicle while in any public place or on any public street in a prohibited area of unincorporated territory is guilty of a misdemeanor.

This bill would specify that a violation of these provisions shall be justified, as specified, when a person who possesses a firearm reasonably believes that he or she is in grave danger because of circumstances forming the basis of a current restraining order issued by a court against another person or persons who has or have been found to pose a threat to his or her life or safety. This justification, however, would not apply when the circumstances involve a specified reciprocal restraining order absent a factual finding of a specific threat to the person's life or safety

The bill also would provide that it is not the intent of the Legislature to limit, restrict, or narrow the application of current statutory or judicial authority to apply this or other justifications to defendants charged with violating these or of committing other similar offenses.

Ch. 1250 (SB 2234) Presley. Foster care.

Existing law provides for various residential treatment programs for children, and provides for family reunification programs, the adoption or placement of children in foster care and other means of providing shelter for children who are unable to return to the family.

This bill would require the State Department of Social Services to implement intensive foster care programs for children who are emotionally disturbed and who, as a result of their emotional disturbance, are placed in a group home with a specified rate classification, children who have successfully completed the group home program, and children who have been adjudicated a dependent of the court in certain circumstances in specified counties, upon concurrence of the board of supervisors of each participating county, for the provision of intensive foster care services, until June 30, 1995.

Ch. 1251 (SB 2465) C. Green. Public Employees' Retirement System.

(1) Under existing law, the Public Employees' Retirement System is a unit of the State and Consumers Services Agency.

This bill would require The Department of Finance, in conjunction with the Public Employees' Retirement System, to review the organization of state government to determine the appropriate organizational location for the system and to submit a report to the Governor and the Legislature on or before June 30, 1991.

(2) Under existing law, pension and other benefits for state members are based upon their final compensation during a 3-year period.

This bill would provide that pension or benefits for all state members be based upon their highest annual compensation prior to retirement or death on and after July 1, 1991.

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(3) Existing law requires the amount in the reserve against deficiencies in the Public Employees' Retirement Fund which exceeds 0.30% of the total assets of the system to be annually credited to other accounts.

This bill would reduce that percentage to 0.20% and would make a statement of legislative intent regarding the reduction.

(4) The existing Public Employees' Medical and Hospital Care Act provides, for each state employee or annuitant living where there is no available, competitive health maintenance organization and a fee-for-service health plan is the only option, state employer contributions, on the basis of the respective PERS Care premiums, at 90% of the PERS Care premium for the employee or annuitant alone and 90% of the PERS Care premium for family members for the 1989–90 fiscal year.

This bill would appropriate $13,000,000 from all funds to augment specified items of the Budget Act of 1990 to provide an increased state employer health benefit contribution with respect to state employees and annuitants who live where there is no available health maintenance organization and would appropriate that amount during the 1991–92 and 1992–93 fiscal years.

(5) The bill would become operative if the board of administration adopts a specified amortization period for benefits, reduces state contributions, certifies quarterly transfers, and reduces employer contributions to reflect actuarial experience and would become null and void if any of the board actions are invalidated by the courts.

(6) The bill would declare that it is to take effect immediately as as urgency statute.

Ch. 1252 (SB 2521) Davis. Air pollution: vehicles: control devices: penalties.

(1) Existing law authorizes the State Air Resources Board to certify vapor recovery systems of cargo tank vehicles used to transport gasoline, and to adopt motor vehicle fuel specifications for the control of air contaminants.

This bill would require motor vehicle fuel distributors to provide certain information to the state board and maintain certain records, prohibit various acts relative to transport or sale of fuel, and prescribe penalties for violations.

(2) Existing law imposes prescribed civil penalties for the violation of any of numerous provisions of law or an order, rule, or regulation relating to the control of vehicular air pollution, and, in instances relating to the motor vehicle inspection program, the violation is subject to misdemeanor penalties in lieu of the civil penalties.

This bill would make the violation of any of those regulations adopted by the state board pertaining to motor vehicle fuels a misdemeanor, thereby imposing a state-mandated local program, would require the dismissal of a civil action if the executive officer of the state board refers a violation to a prosecutor for criminal prosecution, and would prohibit criminal prosecution if civil penalties have been recovered.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1253 (SB 2796) Roberti. Public construction: subcontractors.

The State Contract Act, with specified exceptions, requires contractors to pay subcontractors within 10 days of receipt of each progress payment.

This bill would require the head of each state agency on or before September 1 of each year to submit to the Legislature a report on the number and dollar volume of written complaints received from subcontractors and prime contractors on contracts in excess of $300,000, relating to violations of those provisions. The bill would also require state agencies to pay interest on unpaid progress and final payments on construction contracts after specified periods.

Ch. 1254 (SB 2904) Calderon. Victims of crime.

(1) Existing law authorizes the State Board of Control to provide assistance to victims of crime for the pecuniary losses they suffer as a direct result of criminal acts. Assistance may include a direct cash payment to a provider of psychological or psychiatric treat-

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ment or mental health counseling services, or to the victim for medical or medical-related expenses directly resulting from the injury.

Existing law permits emergency awards to be granted to victims under specified circumstances, but limits the maximum allowable award to $1,000.

This bill would increase the maximum allowable emergency award to $2,000.

(2) The bill would require the board to compile and provide to, or arrange for the provision to, each potential claimant under this program a complete list of all acts that an applicant must perform in order to qualify for assistance.

(3) The bill would require, in any case in which the board determines, after review of the application, including the evaluation by a qualified provider, that pecuniary loss resulting from loss of wages or support which is reimbursable under this program will continue more than 6 months subsequent to the date that the application for assistance is approved, that disbursement, including monthly payments for the duration of the time that the pecuniary loss is expected to continue, commence and continue on a monthly basis for the period of time pecuniary loss is expected to continue.

(4) Existing law permits the board to establish maximum rates and service limitations for reimbursement of medical, medical-related, and mental health expenses. Existing law permits the board to review all claims for these services as necessary to ensure their medical necessity.

Existing law permits the board to require additional documentation, information, or medical review of cases of continuing treatment which are projected to exceed $5,000 to determine the need to continue treatment in excess of that amount, and to accept or reject claims for the amount in excess of $5,000 by applying the same standards applicable to processing the initial claim or to approve a continuing treatment regimen for a specific interval or subject to periodic review as appropriate.

This bill would also require that reimbursement for medical or medical-related services, if the victim's application for assistance is approved, be paid by the board within an average of 90 days from receipt of the claim for payment.

For mental health services, payment on the initial claim would be required within 90 days of its receipt, with payment for subsequent claims being required within one month of their receipt.

The bill would prohibit payments to a medical or mental health provider from being discontinued during the course of reevaluation.

(5) This bill would require that whenever a victim's application for assistance has been approved, and the board determines that a reevaluation of the claim should be made, the victim be notified in a timely manner. It would also require, whether or not a reevaluation is obtained, providers be notified of a board's determination to discontinue payments within 30 days of the board's determination.

(6) The bill would express the intent of the Legislature that the requirements in (3) and (4) above be implemented by the board as soon as administratively feasible, but no later than June 1, 1991.

(7) The bill would require the board to report, as specified, to the Joint Legislative Budget Committee within 30 days after the end of each month on the status of the Victims of Crime Program.

Ch. 1255 (SB 732) Beverly. Asbestos: consultants.

(1) Existing law provides for the special certification of a contractor who engages in asbestos-related work but does not specifically provide for the certification of asbestos consultants.

This bill would provide for the certification of asbestos consultants and site surveillance technicians who meet qualifications specified by this bill and the Division of Occupational Safety and Health, and would subject a person who engages in the practices of an asbestos consultant or a site surveillance technician without certification to civil and criminal penalties. The creation of a new crime would impose a state-mandated local program.

This bill would further require that state employees who perform asbestos consulting or site surveillance shall also be certified, and would require the state to assign a civil service classification to carry out this activity.

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This bill would require that these certifications be renewed annually, and that all consultants and site surveillance technicians complete a specified refresher course annually.

(2) This bill would require that asbestos consultants and site surveillance technicians not have any financial or proprietary interest in an asbestos abatement contractor when they work on the same project within the state, and would subject those who violate this requirement to civil and criminal penalties. The bill would provide that this requirement shall not preclude the hiring of a consultant by a contractor to provide health and safety services for the personnel of the contractor.

(3) Existing law requires the division to propose regulations regarding asbestos-related work.

This bill would require the division to propose, by July 1, 1991, additional regulations for the certifications of asbestos consultants and site surveillance technicians for consideration and action by the Occupational Safety and Health Standards Board. The bill would further require that the board adopt regulations by January 1, 1992, and that the division prepare and administer an examination as directed in the bill, require refresher courses and recertification examinations, and review the certification process at least once every 3 years.

(4) This bill would authorize the division to collect fees from applicants for certification for the purpose of preparing and administering the certification process. The fees would be deposited into the Asbestos Consultant Certification Fund which would be continuously appropriated for the purposes of this bill.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1256 (AB 2649) Johnson. Employment agencies.

(1) Existing law in the Employment Agency, Employment Counseling, and Job Listing Services Act provides for the regulation of employment agencies and job listing services.

This bill would expressly include in the act's definition of "employment agency" persons who procure, provide, offer, or attempt to procure babysitting or domestic employment for others or domestics or babysitters for others, for valuable consideration. The bill would revise the act's definition of "job listing service" and would extend existing regulatory exemptions for certain job listing agencies to also include entities owned primarily by colleges or universities or their alumni associations and which meet other specified criteria. Because violations of the act are punishable as misdemeanors, this bill would impose a state-mandated local program by revising the definition of a crime.

The bill would also make changes to correct obsolete cross-references to code sections and other technical changes in certain provisions of the act and related laws.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1257 (SB 2632) Roberti. Firearms: assault weapons.

Existing law, the Roberti-Roos Assault Weapons Control Act of 1989, provides that any licensed gun dealer, as defined, may transfer possession of any assault weapon received for purposes of servicing or repair from specified persons to any gunsmith in his or her employ or with whom he or she has contracted for gunsmithing services if the gunsmith holds a federal dealer's license, as specified, and any business license required by a statute or local governmental entity.

This bill would provide that the licensing requirements specified above do not apply to a dealer transferring the assault weapon to a gunsmith in the dealer's employ.

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Ch. 1258 (SB 1569) Keene. Local governmental financing.[25]

(1) Existing law prescribes a system for allocating funds to counties for the medically indigent services program under which counties administer county health services under the medically indigent services program or contract with the state to do so under the county medical services program. Funds are appropriated to counties for these purposes.

This bill would prescribe a method of recomputing the allocations to be made under those provisions.

(2) The Budget Act of 1990 appropriated $15,000,000 for local government finance pursuant to specified statutes, for the purpose of stabilizing revenues available to counties for expenditures for various purposes.

This bill would supplement this Budget Act provision by appropriating $700,000 from the General Fund to the Controller for allocation to the County of Butte for county revenue stabilization purposes, as specified.

This bill would also appropriate $15,000,000 from the General Fund to the Controller to be allocated to a county facing the possibility of imminent insolvency under specified conditions. These funds would be allocated only if AB 2800 is chaptered and the Director of Finance grants funded waivers pursuant thereto and the allocation would be only that amount needed to finance the funded waivers.

(3) Pursuant to the County Correctional Facility Capital Expenditure Bond Act of 1986 and the County Correctional Facility Capital Expenditure and Youth Facility Bond Act of 1988, funds are available for expenditure for county correctional and juvenile facilities. These funds may be expended only if county matching funds of 25% are provided, except that the Legislature may waive or modify the county matching requirement, as specified.

This bill would waive this matching requirement as to the County of Butte, thereby making an appropriation.

(4) Under existing law, the Short-Doyle Act, local mental health services and state hospital services are funded, as specified, by both state and county funds.

Notwithstanding a specified provision of the Short-Doyle Act and any other provision of law, this bill would waive all county matching requirements for funding of mental health services under the Short-Doyle Act as to the County of Butte for the 1990–91 fiscal year. The bill would require that the state fund the amounts which would be waived by the bill, thereby making an appropriation.

(5) This bill would waive, as to the County of Butte, the county matching requirements of the County Correctional Facility Capital Expenditure and Juvenile Facility Bond Act of 1990, thereby making an appropriation. This would be operative only if the voters adopt that act at the statewide general election on November 6, 1990.

(6) The bill would also authorize the Controller, at the request of the Board of Supervisors of the County of Butte, to withhold specified annual subventions to the county, in accordance with a specified formula, at the close of 10 consecutive calendar years, to reimburse the state for firefighting services provided by the California Department of Forestry.

(7) The California Constitution provides that a local or special statute is invalid in any case if a general statute can be made applicable.

This bill would declare that, due to the unique circumstances regarding the County of Butte and cited in the bill, a general statute cannot be made applicable.

(8) This bill would make specified findings and declarations of the Legislature with regard to the fiscal situation of the County of Butte in the 1990–91 fiscal year.

(9) This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1259 (AB 170) Floyd. California Horse Racing Board: annual reports.

Under existing law, the California Horse Racing Board is required to make annual reports to the Governor and the Legislature, of its proceedings for the preceding fiscal year, as prescibed, which are to embody any recommendations determined to be needed for improved functioning of the horseracing laws.

This bill would, in addition, require the board to include in its annual report a tabulation of injuries, fatalities, and comparative accident rates for all racing and training

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venues within its jurisdiction, and to include recommendations concerning the worker safety impacts of improvements in racetrack design, jockey equipment, racing procedures, and track and facility maintenance.

Ch. 1260 (SB 2361) Rosenthal. Horseracing: wagering: tickets: claims.

(1) Existing law permits any racing association in this state to authorize betting systems located outside of this state to accept wagers on races conducted by the association.

Under existing law, if the out-of-state betting system is a parimutuel betting system, the association is required to pay a license fee to the state in an amount equal to 10% of the total amount received by the association or ½ of 1% of the handle, whichever is greater, and the remaining amount received by the association is required to be distributed to the association which conducts the racing meeting and to horsemen participating in that meeting, as prescribed.

This bill would require that all rents, costs, and fees be deducted pursuant to a contract between the association which conducts the racing meeting and the horsemen participating in the racing meeting.

(2) Existing law provides different methods for calculating the allocation of breakage between an association conducting racing within the state and a betting system located outside the state depending on whether the association and the betting system deduct the same or different percentages from the amount handled in the parimutuel pool.

In those cases where the association conducting the racing and the betting system deduct the same percentages, this bill would require the breakage to be allocated between the association and the betting system on the basis of a calculation for distribution approved by the Horse Racing Board. In those cases where the association conducting the racing and the betting system deduct different percentages, the bill would require the precise calculation and distribution of payments on winning tickets and breakage to be made on the basis of a calculation for distribution approved by the board. The bill would require the board to report to the Department of Finance whenever the board approves a calculation for distribution and the projected impact of that calculation, if any, on state revenues.

(3) Existing law requires the betting system located outside of this state to allow the same period of time for presentation of winning tickets or claims relating to those tickets as is allowed by the association conducting racing under the Horse Racing Law and prohibits the inclusion of the wagers accepted by that system in the parimutuel pool of the association if the laws of the jurisdiction in which the betting system is located require a longer period of time for the presentation of tickets or claims.

This bill would delete the provision relating to the period of time for the presentation of winning tickets or claims and the provision relating to the inclusion of the wages in the parimutuel pool of the association.

(4) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1261 (AB 87) O'Connell. Year-round schools.

Under existing law, a school district that operates on a year-round basis because of overcrowding is entitled to an allowance in addition to any other apportionment or allowance authorized or required by law. Existing law also provides for additional year-round incentive payments to school districts that meet specified criteria.

This bill would repeal those provisions, and would establish the Year-round School Grant Program. The program would provide financial assistance to school districts implementing new multitrack year-round educational programs and school districts that currently operate those programs, as prescribed.

Existing law also provides that under certain conditions, funds shall be allocated to provide air conditioning equipment and other related materials and services to year-round schools.

This bill would require a school district that received an allocation based on a scheduled year-round operation that did not occur to repay, with interest, the amount allocated.

Existing law provides funding for new school facilities construction based on calcula-

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tions of allowable new building area.

This bill would require that the allowable new building area be reduced, based on the number of pupils for which a school district qualifies, and chooses to claim year-round incentive payments, or based on other specified factors, in conjunction with year-round school funding.

Under existing law, the Leroy F. Greene State School Building Lease-Purchase Law of 1976 provides for funding for new school facilities construction and prescribes priorities for approval of project funding.

This bill would delete certain priorities and would prescribe new priorities, which would give preference to multitrack year-round school programs.

This bill would require that applications for funding approved before January 1, 1991, would continue to be governed by existing law.

This bill would appropriate $50,000 to the Superintendent of Public Instruction for the administrative costs associated with implementation of the bill during the 1990–91 fiscal year.

This bill would appropriate $27,000,000 to Section A of the State School Fund for allocation to school districts that received year-round incentive funding for the 1989–90 fiscal year, for the 1990–91 fiscal year, as prescribed. To the extent that this appropriation would allocate funds to school districts for the purposes of this act, those funds may be applied toward the minimum funding requirements for school districts imposed by Section 8 of Article XVI of the California Constitution.

This bill would state the intent of the Legislature that funding for the purposes of the bill be appropriated annually in the Budget Act.

Ch. 1262 (AB 2012) Farr. Organic foods.

(1) Under the Sherman Food, Drug and Cosmetic Law, standards are set forth defining the terms "organic," "organically grown," "naturally grown," "wild," "ecologically grown," and "biologically grown" for purposes of their use in labeling or advertising of food.

Existing law makes it unlawful, and subject to specified criminal penalties, to use these terms in a manner other than as those terms are defined, in the advertising or otherwise making other representation with respect to a raw agricultural commodity, processed food product, or meat, poultry, fish, or milk.

The bill would make legislative findings and declarations concerning the need for clarification and enforcement of standards relating to the producing, processing, handling, and labeling of food sold as organic and the need to establish an Organic Food Advisory Board.

The bill would repeal existing provisions relating to the sale of organic food.

The bill would enact the California Organic Foods Act of 1990 in the Sherman Food, Drug and Cosmetic Law.

The bill would specify that no food may be sold as organic unless it meets specified requirements, and would impose certain labeling requirements.

This bill would require certification organizations which certify organic food to meet certain requirements as a condition of registration. The bill would require, on or after January 1, 1991, a certification organization which certifies processed food sold as organic, except for processed meat, fowl, or dairy products, to have registered with the State Director of Health Services and to annually renew the registration, as prescribed.

The bill would permit, on or after July 31, 1991, the State Director of Health Services, upon request of a sufficient number of persons to fund the program's cost, to establish and maintain a certification program for processors of food sold as organic, as prescribed, and also would require the director to establish and collect a fee to cover all of the costs of the State Department of Health Services of administering the program.

The bill would require a registered certification organization to follow specified procedures as a requirement of providing certification.

The bill would require, on or after January 1, 1992, every person engaged in this state in the processing or handling of processed food sold as organic, including the handling or processing of fish or seafood sold as organic, except for processors and handlers of processed meat, fowl, or dairy products, to have registered with the State Director of

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Health Services and to annually renew the registration, as prescribed. It would require that a registration form be accompanied by payment of a nonrefundable registration fee, established by the State Director of Health Services. It would require the director to establish a fee schedule for handlers and processors. It would require that the fees not exceed the cost of the department to regulate and enforce the provisions in the bill.

The bill would specify that certain acts are unlawful.

The bill would authorize the director, in lieu of prosecution, to assess a civil penalty against any person who violates specified provisions or regulations adopted pursuant to those provisions, as prescribed.

The bill would require any fees and civil penalties collected by the State Director of Health Services pursuant to the act to be deposited in the General Fund and, upon appropriation by the Legislature, to be expended to fulfill the responsibilities of the director as specified in this bill. The bill would require the State Director of Health Services to enforce the California Organic Food Act of 1990 as applicable to processors and handlers of processed food sold as organic, only to the extent funds are available.

The bill would require the director, in cooperation with the Director of Food and Agriculture, to prepare a report to the Legislature, on or before January 1, 1994, describing certain enforcement activities, and containing recommendations regarding the need for, and means of, improved enforcement. The bill would provide for a complaint process to be established by the director to the extent funds are available.

(2) The bill would require the Director of Food and Agriculture and county agricultural commissioners under the supervision and direction of the director to enforce the provisions of the California Organic Foods Act of 1990 applicable to producers of food sold as organic, handlers of raw agricultural commodities and eggs sold as organic, handlers and processors of meat, fowl, and dairy products sold as organic, and retailers of food sold as organic. The bill would require, on or after March 1, 1991, every person engaged in the production or handling of raw agricultural commodities or eggs sold as organic, or engaged in the production, handling, or processing of meat, fowl, and dairy products sold as organic, except retailers of food sold as organic, to have registered with county agricultural commissioners and to annually renew the registration, as prescribed, and would require certain information on the registration form to be submitted under penalty of perjury, thereby imposing a state-mandated local program by creating a new crime.

The bill would require the registration form of producers to be accompanied by payment of a nonrefundable registration fee, as specified, and would require the director to establish a fee schedule for handlers and processors to cover certain costs. It would require that the fees not exceed the cost of the department to regulate and enforce the provisions in the bill. It would require the registration form to include a public information sheet, as specified, which would be required to be made available for inspection and copying by the department and each county agricultural commissioner, as specified.

The bill would require the director to establish the Organic Food Advisory Board, as specified, to advise the director. The bill would provide for a complaint process, spot inspections, and civil penalties for the enforcement of the program. The bill would impose a state-mandated local program by imposing specified duties on county agricultural commissioners.

The bill would require, on or after January 1, 1992, a certification organization which certifies raw agricultural commodities, eggs, meat, fowl, or dairy products sold as organic to have registered with the Director of Food and Agriculture and to annually renew the registration, as prescribed, and would require the director to establish and collect an annual registration fee, as prescribed, of not more than $2,000 per organization. It would require that the fees not exceed the cost of the department to regulate and enforce the provisions of the bill. This bill would permit a county agricultural commissioner that conducts a prescribed certification program to establish a fee schedule for program participants, as specified.

This bill would require that any fees and civil penalties collected by the Director of Food and Agriculture be deposited in the Department of Food and Agriculture Fund and, upon appropriation by the Legislature, to be expended to fulfill the responsibilities

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of the director, as prescribed by the bill. Any fees and penalties collected by a county agricultural commissioner would be required to be expended to fulfill the responsibilities of the county agricultural commissioner, as prescribed by the bill.

The bill would require the Director of Food and Agriculture, in consultation with the county agricultural commissioners and in cooperation with the State Director of Health Services, to prepare a report to the Legislature regarding the enforcement of the act.

Since a violation of the provisions of the Sherman Food, Drug and Cosmetic Law is a misdemeanor, the bill would create new crimes, thus imposing additional duties upon local law enforcement agencies, and thereby imposing a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that for certain costs no reimbursement is required by this act for specified reasons.

However, the bill would provide that, if the Commission on State Mandates determines that this bill contains other costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be payable from the State Mandates Claims Fund.

Ch. 1263 (AB 2875) O'Connell. Education.

Existing law sets forth various provisions in regard to the use of audial and visual curriculum materials in the schools.

This bill would change those provisions to refer instead to audio and visual materials.

Existing law requires the Superintendent of Public Instruction to perform prescribed computations to determine each county superintendent's revenue limit for county superintendent responsibilities and district services.

This bill would permit increases in the revenue limits in an amount sufficient to provide additional revenue equal to costs incurred in complying with specified requirements of the Unemployment Insurance Code.

Existing law permits the transfer of the duties and powers of a county committee on school district organization to a county board of education.

This bill would provide for the reestablishment of a county committee on school district organization and for restoration of its powers and duties.

Existing law authorizes the governing board of a school district or a county board of education to request the State Board of Education to waive all or part of any section of the Education Code, except for certain enumerated code sections which may not be waived.

This bill would add certain code sections relating to school funding calculations to the list of code sections which may not be waived.

Existing law declares the intent of the Legislature that a particular master plan for school district organization in each county be used as a basis for future reorganization of districts in each county.

This bill would expand the declaration to refer to that particular master plan or any approved updated version of the master plan not inconsistent with other provisions of law.

Existing law requires the public schools to close on February 12 for Lincoln Day, except as otherwise provided.

This bill would, instead, require the public schools to close for Lincoln Day on the Monday or Friday of the week in which February 12 occurs, except as otherwise provided. The bill would thereby impose a state-mandated local program.

Existing law requires the governing boards of certain school districts to offer summer school programs for specified pupils enrolled in grades 7 to 12, inclusive.

This bill would provide that, for purposes of that requirement, a pupil shall be considered to be enrolled in a grade immediately upon completion of the preceding grade.

Existing law permits a governing board of a school district to establish a revolving cash fund, and sets limits on the amount of the fund.

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This bill would increase the limits on the amount of the fund, and would provide for an annual increase in the amount of the fund.

Existing law requires the governing board of a school district to transmit to the State Board of Education a copy of the reporter's transcript of the hearing in any case where an employee is dismissed for immoral conduct or conviction of a felony or crime involving moral turpitude.

This bill would require that the copy of the transcript be sent to the Commission on Teacher Credentialing instead of to the State Board of Education.

Existing law authorizes the State Allocation Board to annually reserve not more than 10% of the funds transferred to the State School Deferred Maintenance Fund for deferred maintenance apportionments to school districts in instances of extreme hardship.

This bill would authorize the State Allocation Board to exceed that 10% limit under specified conditions.

Existing law provides for the reduction of apportionments of certain pupils in independent study to the statewide average level per unit of average daily attendance paid for pupils in adult education.

This bill would apply that reduction only to those pupils in independent study who are enrolled in kindergarten or any of the grades 1 to 12, inclusive.

Existing law requires that apportionments paid for concurrent enrollment in adult education by pupils 19 years of age or older who have not been continuously enrolled in secondary school since their 18th birthday not exceed the adult education revenue limit.

This bill would specify that the limitation described above would apply only with regard to those pupils if enrolled in independent study.

Existing law provides for independent study programs for pupils.

This bill would limit the ratio of independent study pupils to full-time equivalent certificated employees responsible for independent study, as specified. The bill would thereby impose a state-mandated local program.

Existing law requires the Superintendent of Public Instruction to review information and calculations submitted by school districts and county offices of education in support of apportionment computations, based on the data submitted during the initial year of apportionment and for the 3 succeeding years.

This bill would require that review to be conducted based on the data submitted during the initial year of apportionment and for the 1st succeeding fiscal year only.

Existing law requires the Superintendent of Public Instruction to certify apportionments to regional occupational centers and programs.

This bill would provide that, notwithstanding any other provision of law, a specified definition shall govern the calculation, under a designated statutory formula, of apportionments to regional occupational centers and programs for the 1987–88 fiscal year.

This bill would incorporate additional changes in Section 33050 of the Education Code, proposed by SB 2605, to be operative only if SB 2605 and this bill are both enacted and become effective January 1, 1991, and this bill is enacted last.

This bill would state that certain of its provisions are declaratory of existing law.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 1264 (SB 2685) Russell. Crimes: victim restitution.

Existing law contains numerous crime-victim restitution provisions.

This bill, in addition, would create within the Office of Criminal Justice Planning a one-year pilot program which would study the effectiveness of collecting restitution which is ordered paid to crime victims in 3 counties, as specified.

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This bill would provide that the program shall be implemented by the office in conjunction with the State Board of Control.

Ch. 1265 (AB 2597) Tanner. Hazardous waste collection programs: taxes and fees, permits, and recordkeeping requirements.

(1) Existing law requires operators and owners of hazardous waste facilities to obtain a hazardous waste facilities permit from the department. Under existing law, a violation of any provision regulating hazardous waste is a crime.

This bill would exempt a household hazardous waste collection facility operated by a public agency, or any person under an agreement with a public agency, from the requirement to obtain a hazardous waste facilities permit, if the facility accepts only certain materials which are transported to, and managed at, the facility in a specified manner and in specified amounts. The bill would impose a state-mandated local program, since a violation of these requirements would be a crime pursuant to other provisions of law.

(2) Existing law defines a "facility," for purposes of establishing a facility fee to mean any structure, and all contiguous land, used for the treatment, transfer, storage, resource recovery, disposal, or recycling of hazardous waste, which has been issued a permit or a grant of interim status by the State Department of Health Services or which is required to obtain a permit or grant of interim status. Existing law exempts from this definition, among other things, any facility operated by a local government agency which is used for household hazardous waste collection.

This bill would exclude from that definition a specified portion of a solid waste management facility and would exclude any facility operated by a local government agency, or by any person operating a hazardous waste collection program under an agreement with a public agency, which is used for household hazardous waste collection, the collection of hazardous waste generated by specified small quantity commercial sources, or specified hazardous wastes.

(3) Existing law requires every person who submitted for disposal or who disposed of in the state or outside of the state, or who submitted for treatment at a location outside of the state, more than 500 pounds of hazardous waste in the state during the preceding calendar year to report to the board specified information concerning the disposal of that hazardous waste and imposes a tax upon the reported amount of hazardous waste. Existing law specifies that these requirements do not apply to hazardous wastes collected by, among others, any person operating a voluntary hazardous waste collection program, as defined, under an agreement with a public agency, if the waste results from a voluntary hazardous waste collection program which complies with the requirements of hazardous waste control laws. A public agency operating a voluntary hazardous waste collection, or a person operating such a program, under an agreement with a public agency, is immune from liability in a cost recovery action brought pursuant to the Carpenter-Presley-Tanner Hazardous Substance Account Act, if specified conditions are met concerning the handling and transportation of the waste.

This bill would revise those exemptions by changing the reference to voluntary hazardous waste collection program to hazardous waste collection program and would include, within that definition, programs in which small quantities of hazardous wastes are received from commercial sources. The bill would also exempt from these reporting and tax requirements hazardous wastes, disposed of, or submitted for disposal, by any person, which are discovered and separated from solid waste as a part of a load checking program.

(4) The bill would incorporate changes to Section 25205.1 of the Health and Safety Code proposed, by AB 2794, which would only become operative if AB 2794 is chaptered and this bill is enacted after AB 2794.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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Ch. 1266 (AB 2641) Wright. Hazardous waste: small quantity commercial sources.

(1) Existing law requires cities and counties to prepare and adopt a source reduction and recycling element for a countywide integrated waste management plan. The element is required to include a program and implementation schedule for the collection, treatment, and disposal of hazardous waste generated by households. The violation of any regulation, requirement, or standard concerning hazardous waste is a crime under existing law.

This bill would require the State Department of Health Services to allow any city, county, or special district which operates a household hazardous waste program, or any person operating a household hazardous waste collection program under an agreement with a public agency, to allow small quantity commercial sources which comply with specified criteria to participate in that program. The bill would require a local agency, or any person operating a household hazardous waste collection program under an agreement with a public agency, operating such a program to prohibit the acceptance of specified amounts of hazardous waste from any one small quantity commercial source, thereby imposing a state-mandated local program by creating a new crime.

(2) Existing law exempts hazardous wastes collected by any public agency or any person operating a voluntary hazardous waste collection program under an agreement with a public agency, from a specified tax and reporting requirement relating to the disposal, or submission for treatment or disposal, of hazardous waste. Existing law also exempts that public agency or person from liability in a specified cost recovery action for any waste which has been properly handled and transported to an authorized hazardous waste treatment or disposal facility at a location other than that of the collection program. A voluntary hazardous waste control program is defined to mean a program in which small quantities of hazardous waste are received from noncommercial sources, stored, and transferred to a licensed hazardous waste disposal site.

This bill would instead define "hazardous waste collection program" and would include within that definition, for purposes of those exemptions, a program in which small quantities of hazardous wastes are received from small quantity commercial sources, stored, and transferred to a licensed hazardous waste treatment, storage, or disposal site. The bill would exempt from the tax and reporting requirements hazardous wastes disposed of, or submitted for treatment, storage, or disposal, by any person, which is discovered and separated from solid waste as part of a local checking program.

(3) Existing law provides for a disposal fee to be paid by persons who dispose of a specified quantity of hazardous waste in a specified manner and a generator fee to be paid by persons who generate a specified quantity of hazardous waste. Existing law provides that these fees do not apply to certain hazardous waste

This bill would provide that these fees do not apply to persons operating a household hazardous waste collection program under an agreement with a public agency, household hazardous waste collection programs receiving hazardous waste generated by specified small quantity commercial sources, or to hazardous wastes, disposed of, or submitted for treatment or disposal, by any person, which are discovered and separated from solid waste as a part of a local checking program.

(4) Existing law defines "facility" for purposes of hazardous waste control laws and excludes specified facilities from that definition.

This bill would exclude from that definition a specified portion of a solid waste management facility and would exclude any facility operated by a local government agency, or by any person operating a hazardous waste collection program under an agreement with a public agency, which is used for the collection of hazardous waste generated by specified small quantity commercial sources.

(5) Existing law provides for various fees for specified hazardous waste facilities permits, variances, and permit modifications.

This bill would provide that these fees do not apply to a permit issued to a local government to transport wastes for purposes of operating a household hazardous waste facility receiving hazardous waste generated by specified small quantity commercial sources.

(6) The bill would incorporate amendments to Sections 25174.7 and 25205.7 of the

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Health and Safety Code proposed, respectively, by SB 1857 and AB 3856 and this bill, which would become operative only if that respective bill is chaptered and this bill is chaptered last.

(7) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1267 (AB 2794) Wright. Hazardous waste facilities.

(1) Existing law requires each owner or operator of a hazardous waste facility to submit hazardous waste facility closure and postclosure plans to the State Department of Health Services and to a California regional water quality control board with the application for a hazardous waste facilities permit or when otherwise requested by the department. Existing law establishes a schedule of fees for various hazardous waste facilities permit applications, for deposit in the Hazardous Waste Control Account. The funds deposited in the account may be expended by the department for various purposes concerning hazardous waste, hazardous substances, and hazardous materials. A violation of hazardous waste control laws is a crime.

This bill would require permits for postclosure for hazardous waste facilities if specified hazardous wastes remain after closure and would require a person submitting a hazardous waste facilities permit application for a postclosure permit to pay a fee, based on the size and type of the facility, thereby imposing a tax for purposes of Article XIII A of the California Constitution and imposing a state-mandated local program by creating new crimes. The bill would revise the fee which is required to be paid by a person requesting a permit modification.

(2) Existing law authorizes the department to issue an order to a person who has violated various provisions regulating hazardous waste which requires corrective action. Existing law also authorizes the State Board of Equalization to assess fees upon a potentially responsible party for the costs incurred by the department for the oversight of a removal or remedial action taken pursuant to the Carpenter-Presley-Tanner Hazardous Substance Account Act.

This bill would require these fees to be assessed upon a person required to take corrective action pursuant to a specified removal or remedial action order issued to a potential responsible party by the department and would, except as specified, require these fees to be deposited in the Hazardous Waste Control Account, thereby imposing a tax for purposes of Article XIII A of the California Constitution and imposing a state-mandated local program by creating a new crime.

(3) Existing law requires each operator of a hazardous waste facility to pay to the State Board of Equalization a facility fee for each state fiscal year and each generator of hazardous waste to pay to the board a fee for each generator site for each calendar year, for deposit in the account. The term generator is defined as a person who generates specified amounts of hazardous waste and who has not paid the facility fee. Existing law requires every person who is subject to specified fees required to be deposited in the account, the hazardous waste disposal fee, or a specified hazardous waste tax, to register with the board on forms provided by the board. Existing law requires the board to provide quarterly reports to the Legislature on hazardous waste facility fees and generator fees collected.

This bill would impose a specified annual facility fee on a facility with a postclosure permit, thereby imposing a tax for purposes of Article XIII A of the California Constitution and imposing a state-mandated local program by creating a new crime The bill would require every generator of hazardous waste to pay to the board, as prescribed, a surcharge, in specified amounts, for each generator site for each calendar year, thereby imposing a tax for purposes of Article XIII A of the California Constitution. The bill would revise the definition of the term "facility" to exclude specified facilities. The bill would require the board to deposit the surcharge in the account for expenditure by the department to carry out the Hazardous Waste Source Reduction and Management Review Act of 1989. The surcharge requirements would impose a state-mandated local

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program by creating new crimes. The bill would include persons subject to the surcharges within the registration requirement, thereby imposing a state-mandated local program by creating a new crime pursuant to other provisions of law. The bill would require the board to include the surcharges within quarterly reports which the board is required to make to the Legislature.

(4) Existing law requires any person who knows, or has probable cause to believe, that a significant disposal of hazardous waste has occurred on, under, or into the land which he or she owns or leases, or that the land is within a specified distance of a significant disposal of hazardous waste, and intends to allow specified construction on that land, to apply to the department prior to construction for a determination as to whether the land should be designated a hazardous waste property or a border zone property.

This bill would require the board to assess a fee of $7,500 on any person who applies for that determination, except as specified, upon a specified determination by the department and would require the board to assess an additional $7,500 on the applicant, upon a prescribed determination, for deposit in the account, thereby imposing a tax for purposes of Article XIII A of the California Constitution.

(5) Existing law requires the department to adopt, by regulation, a fair and equitable system for charging and collecting a fee from specified hazardous waste generators.

This bill would repeal that requirement.

(6) The bill would incorporate amendments to Section 25178.1 of the Health and Safety Code and Section 43101 of the Revenue and Taxation Code proposed by SB 1857 and this bill, Section 25205.1 of the Health and Safety Code proposed by AB 2597 and this bill, Section 25205.7 of the Health and Safety Code proposed by AB 3856 and this bill, and Section 43551 of the Revenue and Taxation Code proposed by SB 1627 and this bill, which would become operative only if this bill and the respective bill is enacted and this bill is enacted last.

(7) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1268 (SB 1857) Torres. Hazardous materials: fees and taxes.

(1) Existing law requires each person who disposes of hazardous waste, or who annually submits more than 500 pounds of hazardous waste for disposal in the state or outside of the state, or who submits hazardous waste for treatment at a location outside of the state, to pay a fee for disposal of hazardous waste to land to the State Board of Equalization for deposit in the Hazardous Substance Account (California Superfund) in the General Fund. The money within this account may be expended by the State Department of Health Services, upon appropriation by the Legislature, to pay for, among other things, removal and remedial actions related to the release of hazardous substances, except that specified sums are continuously appropriated from the state account for emergencies and for payment of the principal and interest on bonds sold pursuant to the Johnston-Filante Hazardous Substance Cleanup Bond Act of 1984. The base rate for hazardous waste subject to the fee is set on and after July 1, 1989, at $52.50 for each ton for disposal of hazardous waste to land. Existing law exempts hazardous waste generated or disposed by public agencies operating a household waste collection program from this fee and from the fees imposed upon generators and facility operators.

This bill would increase the amount of the base rate of the fee to $105 per ton on and after January 1, 1991, thereby making an appropriation and imposing a tax for purposes of Article XIII A of the California Constitution. Since a failure to pay this fee would be a crime, pursuant to other provisions of law, the bill would impose a state-mandated local program.

The bill would also change the base rate for specified ore and mineral waste from 25% to 13% of the adjusted base rate and would delete the separate fee provisions for discharges to surface impoundments. The bill would change the base rate for specified solid hazardous waste residue which is disposed of outside the state from 5% of the base rate to 22 1/2 of the base rate beginning the 1990–91 fiscal year and to 25% of the base

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rate after the 1990–91 fiscal year, if a specified condition is met.

The bill would additionally exempt hazardous waste generated by a person operating a household hazardous waste collection program under an agreement with a public agency, or by a hazardous waste collection program receiving hazardous waste from small quantity commercial sources and hazardous waste disposed of, or submitted for disposal or treatment, as part of a load checking program from the disposal, generator, and facility operator fees. The bill would provide for a specified fee rate for persons who conduct removal or remedial action at a hazardous substance release site and meet specified requirements.

(2) Existing law requires the State Board of Equalization to adopt a schedule of SIC codes, as defined, that consists of corporations which use, generate, store, or conduct activities in this state related to hazardous materials, including hazardous waste. Existing law requires each corporation identified in the schedule to pay an annual fee based on the number of employees employed more than 500 hours during the previous calendar year. The annual fee is deposited in the Hazardous Waste Control Account.

This bill would, instead, require each corporation identified in the schedule to pay an annual fee based on the number of persons employed in this state for more than 500 hours during the previous calendar year for which the fee is due.

(3) Existing law requires a potentially responsible party to pay various fees to the board for costs incurred by the State Department of Health Services in connection with the oversight of a remedial investigation, a feasibility study, a remedial action plan, a remedial action design, and a final remedial action based on the classification of the size of the hazardous substance release site. These fees are deposited into the Hazardous Substance Account. Existing law provides that a person who is liable for costs incurred and payable from the Hazardous Substance Account for the removal or remedial actions taken pursuant to specified orders or agreements may reduce that person's amount of liability by the amount of these fees. Existing law defines an "extra-large site" to mean a site which the department estimates will cost more than $5,000,000 for completion of a remedial investigation and a feasibility study, or more than $20,000,000 for the full implementation of all removal and remedial actions, except as specified. Existing law defines a "large site" to mean a site which the department estimates will cost more than $1,250,000, but less than $5,000,000, for completion of a remedial investigation and a feasibility study, or more than $5,000,000, but less than $20,000,000 for the full implementation of all removal and remedial actions, except as specified.

This bill would revise the definition of "extra-large site" to mean a site which the department estimates will cost at least $5,000,000 for completion of a remedial investigation and a feasibility study or at least $20,000,000 for the full implementation of all removal and remedial actions, except as specified. The bill would revise the definition of "large site" to mean a site which the department estimates will cost at least $1,250,000, but less than $5,000,000, for completion of a remedial investigation and a feasibility study, or at least $5,000,000, but less than $20,000,000, for the full implementation of all removal and remedial actions, except as specified, thereby making an appropriation and imposing a tax for purposes of Article XIII A of the California Constitution.

The bill would require that the total amount of liability of a person who is liable for costs incurred and payable from the Hazardous Substance Account or the Hazardous Substance Cleanup Fund be reduced by the amount of these oversight fees paid to the board.

(4) Under existing law, the Carpenter-Presley-Tanner Hazardous Substance Account Act requires every person who submitted for disposal, or who disposed of in the state or outside of the state, or who submitted for treatment at a location outside of the state, more than 500 pounds of hazardous waste in the state during the preceding calendar year to report to the board specified information concerning the disposal of that hazardous waste and imposes a tax upon the reported amount of hazardous waste. Existing law requires the tax to be assessed according to a specified formula. Existing law provides for the deposit of this money into the state account.

This bill would repeal the provisions imposing the hazardous waste disposal tax and would make conforming changes.

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The bill would provide for a specified rate for the hazardous waste disposal tax and hazardous waste disposal fee for persons who conduct removal or remedial actions at a hazardous substance release site and meet specified requirements, which rate would be repealed on January 1, 1991.

(5) Existing law, the Hazardous Substances Tax Law, provides for the collection and administration of specified fees and taxes imposed in connection with hazardous waste control laws and the Carpenter-Presley-Tanner Hazardous Substance Account Act. The act and the Hazardous Substances Tax Law define a "person" to include an individual and specified entities.

This bill would revise those definitions, thereby imposing state-mandated local programs by creating new crimes.

(6) The bill would incorporate amendments to Section 25178.1 of the Health and Safety Code and Section 43101 of the Revenue and Taxation Code proposed by this bill and AB 2794, which would become operative only if both bills are chaptered.

(7) The bill would declare that it is to take effect immediately as an urgency measure, but except for the exemption from the hazardous waste disposal tax and fees, the bill would become operative January 1, 1991.

(8) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1269 (AB 3659) Connelly. Health: fees: lead exposure.

(1) Existing law requires the fees or charges for the issuance or renewal of any permit, license, or registration pursuant to specified provisions to be adjusted annually, as prescribed, and also requires the State Department of Health Services to publish annually a list of the actual numerical fee charges for each permit, license, certification, or registration governed by that requirement. Existing law also exempts the adjustment of certain fees from specified provisions requiring review by the Office of Administrative Law until January 1, 1992.

This bill would add certain fees assessed upon manufacturers, importers, and distributors of tableware to the above annual adjustment requirement, and would exempt the adjustment of all the fees from review indefinitely.

(2) Existing law contains prohibitions regarding the sale of glazed ceramic tableware, as defined, including making it unlawful to sell in this state any glazed ceramic tableware which releases lead or cadmium in certain quantities.

This bill would repeal those provisions regarding the sale of glazed ceramic tableware and would make it unlawful to manufacture, process, import, sell, deliver, hold for sale, supply, or offer for sale in this state any tableware, as defined, which releases a level of lead or cadmium in violation of specified standards. The bill also would require the State Department of Health Services to evaluate those standards to determine whether they are adequate to protect the public health and to report the results of the evaluation to the Legislature, as specified.

The bill would require each piece of tableware sold, or offered for sale, in this state to be permanently and indelibly marked with certain information, as prescribed. The bill would require the department to administer and enforce the provisions regarding tableware, to report annually to the Legislature certain information regarding inspections performed and samples taken to determine compliance, to levy a fee of $500 for certain manufacturers, importers, and distributors of tableware, as prescribed, and a fee of $150 for small businesses, as defined, for fiscal years 1991–92 and 1992–93, and in subsequent fiscal years, to establish a fee schedule which assesses an annual fee upon manufacturers, importers, and distributors of tableware sold in California to implement and enforce the program, as specified.

The bill would authorize the department and a health officer to enter into an agreement designating the local health department or local health district as the department's authorized agent for the purposes of enforcing the program.

For the purposes of enforcing the program, the bill would permit any authorized

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agent of the department to perform specified activities relating to performing inspections and securing samples or specimens of tableware and the detention or embargo of tableware. The bill would provide that any person who violates any provision of law relating to the above program is subject to a specified civil penalty, and for certain violations is guilty of a misdemeanor or felony, thereby imposing a state-mandated local program by creating new crimes. The bill furthermore would require certain enforcement provisions of the Sherman Food, Drug, and Cosmetic Act to also govern tableware in violation of the above provisions.

The bill would subject the manufacturer, importer, retailer, and distributor of an item of tableware found to be in violation of the above provisions to liability to the holder of the tableware, or require it to provide the holder of the tableware with comparable replacement tableware acceptable to the holder, at the option of the holder of the tableware, as specified.

The bill would delay the operative date of the above program until July 1, 1991.

(3) Existing law, the California Uniform Retail Food Facilities Law, prohibits a food facility from being open for business without a valid permit, requires a local enforcement agency to issue a permit, and requires any fee for the permit and related services to be determined by the governing body, but requires the fees to be sufficient to cover the actual expenses of administering and enforcing the program. Existing law furthermore authorizes enforcement officers, as defined, to perform specified tasks in enforcing the law, including impounding utensils which are found to be unsanitary or in such disrepair that food, equipment, or utensils may become contaminated or adulterated.

This bill would authorize an enforcement officer to inspect, impound, or inspect and impound any utensil which is suspected of releasing lead or cadmium in violation of a specified provision of law, and would require any fees for permits to also be sufficient to cover the costs of inspecting and impounding those utensils.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1270 (SB 2007) Craven. Mobilehome parks: tenant purchases.

Under existing law, the Department of Housing and Community Development may make loans from the Mobilehome Park Purchase Fund, which is continuously appropriated, to finance the acquisition and conversion of mobilehome parks by resident organizations, as defined, and to reduce monthly housing costs of low-income residents. Existing law requires resident organizations applying for assistance to comprise at least ⅔ of the households residing in the mobilehome park at the time application is made to the department. Existing law expressly provides that membership in the resident organization when the application is made is not a requirement for a loan from the fund, and, when funding a loan, the ⅔ of households in the resident organization need not be the same households that were in the resident organization when the application for assistance was submitted to the department.

This bill would revise the definition of "resident organization" to expressly provide that the ⅔ of households in the resident organization at the time of funding need not be the same households that were residing in the park when the application was made to the department. The bill would also expressly specify that a household's membership in the resident organization when the application is made cannot be a requirement for that household to receive a loan or assistance, thereby expanding the number of organizations eligible for loans. This bill, in authorizing the expenditure of funds for a new purpose from a continuously appropriated fund, would constitute an appropriation.

Existing law provides for farm and home, including mobilehome, purchase benefits for qualifying veterans under specified conditions.

This bill would expand the conditions under which benefits would be available to veterans to include conversions of mobilehome rental parks to resident-owned mobilehome parks. Funds for this purpose are deposited in and may be expended from the Veterans' Farm and Home Building Fund of 1943. This bill, in authorizing expenditures

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from a revolving fund for a new purpose, would constitute an appropriation.

Under the existing Bank and Corporation Tax Law, an organization of owners of manufactured homes or mobilehomes, who are tenants in a mobilehome park, formed for the purpose of purchasing the mobilehome park, to convert the park to condominium or stock cooperative ownership interests and for purchasing the park from the management of the park, is exempt from taxes under that law.

This bill would revise that exemption to apply to an organization of owners of manufactured homes or mobilehomes, who are tenants in a mobilehome park, formed for the purpose of purchasing the mobilehome to convert it to condominium, stock cooperative, or other resident ownership interests.

This bill would incorporate additional changes in Section 987.65 of the Military and Veterans Code proposed by AB 3114 to be operative only if AB 3114 and this bill are both chaptered and become effective January 1, 1991, and this bill is chaptered last.

Ch. 1271 (SB 2545) Vuich. Criminal proceedings: arraignment.

Existing law authorizes any California county to participate in a 4-year pilot project for the use of 2-way television in felony and misdemeanor arraignments. Existing law also provides that a judge may order a defendant's personal appearance in court for arraignment, and shall not, pursuant to these provisions, accept a plea of guilty or no contest from a defendant not physically in the courtroom.

This bill would provide that a judge may accept a plea of guilty or no contest from a defendant charged with a misdemeanor who is not physically in the courtroom, pursuant to these provisions.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1272 (SB 2823) Garamendi. Litigation.

Existing law provides for the establishment of a Dispute Resolution Advisory Council in the Department of Consumer Affairs and for dispute resolution programs to be operated pursuant to contract by counties who desire to participate under specified circumstances. The law will be repealed on January 1, 1992.

This bill would delete that repealing date, thus extending the operation of that law indefinitely.

This bill would also require the Director of Consumer Affairs to administer and enforce the provisions relating to the dispute resolution programs.

Ch. 1273 (SB 2905) Calderon. Beverage containers.

(1) Under the California Beverage Container Recycling and Litter Reduction Act, every beverage container sold or offered for sale in this state is required to have a specified minimum refund value. The Department of Conservation administers the act. Existing law provides that any action taken by the department, or by any person or entity, affecting scrap values, the quantities of materials being recycled, or the method of invoicing the sale of beverages pursuant to the act is not a violation of specified provisions regulating unlawful combinations in restraint of trade and other unfair trade practices. Existing law provides for the California Integrated Waste Management Board to regulate the disposal of solid waste.

This bill would, instead, provide that any action to increase recycling taken by the department, or by any person or entity, affecting scrap values, the quantities of materials being recycled, or the method of invoicing the sale of beverages is not a violation of those specified provisions.

(2) Under existing law, the department is required to establish reporting periods for the reporting of redemption and recycling rates, to determine specified information for each reporting period, and to issue reports on its determinations within 70 days of the end of each reporting period.

This bill would include within the matters to be determined pursuant to the foregoing, the volumes of materials collected from certified recycling centers, by city or county, as requested by the city or county, consistent with specified procedures, the amount of convenience incentive payments paid in each county, and a listing of any convenience incentive payment amounts each convenience zone has received.

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(3) Existing law requires the department to annually submit a report to the Governor and the Legislature concerning curbside recycling programs.

This bill would require the report to include the volume of materials collected and reported pursuant to a specified survey, by city, consistent with certain procedures.

Ch. 1274 (AB 1490) Sher. Beverage containers.

(1) Under existing law, the California Beverage Container Recycling and Litter Reduction Act requires every beverage container sold or offered for sale in this state to have a minimum refund value for every beverage container redeemed and requires every beverage distributor to pay to the Department of Conservation, for deposit into the California Beverage Container Recycling Fund, a redemption payment for every beverage container sold or offered for sale in this state by the distributor. The department is required to implement the provisions of the act. A violation of the act is a crime.

Existing law provides that any person who violates the act may be assessed a civil penalty by the department of up to $200 for the 1st violation, of up to $500 for the 2nd violation, and up to $1,000 for the 3rd and subsequent violation, for each separate violation of the act per day pursuant to a hearing and notice. The penalties for a violation are deposited into the fund which is continuously appropriated to the department for expenditure to carry out the act.

This bill would instead provide that any person who violates the act may be assessed a civil penalty by the department of $100 for each separate violation and not more than $1,000 for any subsequent separate violation of the act pursuant to a hearing and notice, thereby making an appropriation. The bill would require the department to include within the annual report which the department is required to submit to the Governor and the Legislature, a report concerning the enforcement of the act.

(2) Existing law authorizes the department to certify recycling centers and processors and to revoke, suspend, or refuse to renew a certificate if the certificate holder violates the act, including any requirements of the act concerning, among other things, standards of operation.

This bill would additionally include violations of sign posting requirements within this provision.

(3) Existing law requires that a recycling center be open for business at least 30 hours per week and to post a sign indicating that the center is open. Existing law requires that there be at least one certified recycling center within every convenience zone in the state. The department is authorized to grant an exemption from this requirement, as specified.

This bill would require a dealer which hosts a reverse vending machine at its place of business to redeem beverage containers when a recycling center which is a reverse vending machine is not open for business during its posted hours of operation and would require a reverse vending machine to post a sign concerning its hours of operation. Since a violation of these requirements would be a crime pursuant to other provisions of law, the bill would impose a state-mandated local program and since the penalties for a violation of these requirements would be deposited in the fund, the bill would make an appropriation.

The bill would revise the provisions concerning the granting of exemptions from convenience zone requirements.

(4) Under the act, the department is required to calculate a processing fee for each beverage container with a specified scrap value, which is required to be paid by beverage manufacturers. The department is required to calculate the processing fee, paid by beverage manufacturers, on or before October 1, annually, commencing October 1, 1991, or whenever the scrap value changes by more than 15%. The processing fees are deposited in the fund, which is continuously appropriated to the department for the payment of refund values and for other specified purposes. The balance in that fund is required to be deposited in the Redemption Account, which is continuously appropriated to the department for specified purposes.

This bill would revise the definitions of the terms "processing fee" and "scrap value" and the criteria for establishing the processing fees for containers. The bill would require the department to establish a new processing fee on or before January 1, 1991, or on the

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earliest practicable date thereafter, and on or before January 1 annually thereafter.

The bill would make a statement of legislative intent and would require the department to deposit all amounts paid as processing fees for glass beverage containers in the Glass Processing Fee Account, which the bill would create in the fund. The bill would continuously appropriate the money in the account to the department to pay processing fees to processors. The bill would require the department to establish a market development program by January 1, 1991, or the earliest practicable date thereafter, and to determine the amount of the market development payment, pursuant to specified criteria, on or before January 1 and July 1 of each year. The bill would require the department to pay the market development payment to container manufacturers who purchase cullet, as defined, from certified processors and who use cullet in the manufacture of beverage containers, and to processors who provide specified proof to the department. The bill would require container manufacturers to provide a specified credit to purchasers of glass beverage containers. The bill would impose a state-mandated local program by creating a new crime, since the claiming of a market development payment for cullet which is ineligible for a payment or a refusal to pay the credit would be a violation of the act.

The bill would require the department to prepare and submit a report to the Legislature, by July 1, 1992, as prescribed, concerning the market development program.

The bill would exempt the development program, including the determination of the market development payment, from the requirements concerning the adoption of regulations. The bill would, if the department determines to adopt, amend, or repeal regulations to implement the market development program or calculate the processing fee, exempt the regulations adopted, amended, or repealed to implement the market development program or calculate the processing fee from the requirements concerning the submission of regulations to the Beverage Container Recycling Advisory Committee. The bill would deem these regulations to be emergency regulations and would repeal these regulations 180 days after their effective date unless the department complies with specified procedures.

The bill would authorize the department to expend up to $15,000,000 from the Redemption Account to fund the market development program from January 1, 1991, to December 31, 1991, inclusive, and would require this amount to be repaid to the Redemption Account by June 30, 1994, from the funds in the Glass Processing Fee Account, thereby making an appropriation.

(5) Existing law authorizes the department to annually expend up to $13,000,000 of the amount deposited in the Redemption Account for convenience incentive payments to assist in establishing recycling locations and to make these payments until January 1, 1993. Existing law requires the department to develop guidelines and criteria for issuing convenience incentive payments The department is authorized to make convenience incentive payments under specified conditions.

This bill would revise the amount of a convenience incentive payment the department may pay a recycling center, thereby making an appropriation. The bill would also make an appropriation by authorizing the department to annually expend $18,500,000 of the funds remaining in the Redemption Account, after specified expenditures are made, to make convenience incentive payments.

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(7) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1275 (AB 764) Marston. Social services.

Under existing law, persons violating specified provisions relating to disabled and veterans' parking spaces are subject to certain fines and penalties.

Existing law authorizes counties to impose assessments on fines, penalties, and forfeitures imposed by the courts for various offenses, to be used for specified purposes.

Existing law provides for institutionalization prevention services for the frail elderly

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and functionally impaired adults, commonly known as the Linkages Program, administered through the counties by the Department of Aging.

This bill would until July 1, 1992, authorize counties to assess $2 on every $10 of fines imposed for violations of the disabled and veterans' parking provisions, to be used for the support of services provided in the county under the Linkages Program, including county administrative costs not exceeding 10% of the funds, except that a county would be authorized to jointly establish and fund a program of services with other counties, as specified. It would specify that these funds shall not supplant, be offset against, or in any way reduce funds otherwise appropriated for the program.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1276 (AB 1325) N. Waters. Juveniles: confidentiality.

Existing law requires criminal proceedings generally to be open and public. Existing law permits the magistrate to exclude the public from a preliminary examination at the request of the prosecutor during testimony by minor victims of certain specified offenses, or during testimony by witnesses who may be subject to substantial risk of physical harm in appearing before the public. Existing law contains additional provisions for the support of certain minor witnesses during criminal proceedings.

This bill would, in any criminal proceeding in which the defendant is charged with specified offenses on a minor under the age of 16 years, require the court, upon motion of the prosecuting attorney, to conduct a hearing to determine whether the testimony of, and testimony concerning, the minor shall be closed to the public in order to protect the minor's reputation. The bill would require the court to consider specified information in making this determination.

Ch. 1277 (AB 1874) Jones. Purchases: fairs.

Existing law requires the Department of General Services and the Department of Food and Agriculture to develop criteria to be applied for opportunity purchases, as defined, that are made by district agricultural associations.

This bill would delete the requirement that the Department of General Services participate in the development of these criteria, make the criteria applicable to opportunity purchases that are made by county and citrus fruit fairs and the California Exposition and State Fair, and make a related change.

Ch. 1278 (AB 2245) Hannigan. Postsecondary education: tuition and fee exemptions.

Existing law, until January 1, 1992, prohibits any state-owned college, university, or other school from charging tuition or incidental fees to specified dependents of veterans, children of certain disabled United States military service veterans, and children of veterans killed in service or who died of a service-connected disability, as specified.

This bill would revise and recast those provisions with respect to any child with a limited income, as specified, of any veteran of the United States military who has a service-connected disability, or who has been killed in service or has died of a service-connected disability.

The bill would also permit the Department of Veterans Affairs to determine the eligibility for waivers for the above-referenced children.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1279 (AB 2542) Tanner. Health insurance: cervical cancer.

Existing law does not require individual or group health care service plans, policies of disability insurance, and nonprofit hospital service contracts, which include coverage for treatment of, or surgery of, cervical cancer to also provide coverage, upon the referral of the patient's physician, a nurse practitioner, or a certified nurse midwife, providing care to the patient and operating within the scope of practice, for an annual cervical cancer screening test.

This bill would provide that, with certain exceptions, the above plans and policies issued, amended, or renewed, on or after January 1, 1991, shall be deemed to provide that coverage as part of existing coverage for cervical cancer treatment and surgery,

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and, for disability insurers and nonprofit hospital service plans, that the bill's requirement applies regardless of the situs of the contract. The bill would also provide that those annual tests are a covered benefit under Medi-Cal, as specified.

Ch. 1280 (AB 2657) Burton. Homeless assistance programs: local assistance.

Under the federal Stewart B. McKinney Homeless Assistance Act (P.L. 100-77), the federal government provides grants to states and local agencies for various programs for homeless persons.

This bill would appropriate $5,000,000 from the General Fund, to be set aside in reserve in a special account in the General Fund, to be available for expenditure until June 30, 1991, for the purpose of providing letters of credit guaranteeing availability of matching funds to cities, counties, and cities and counties which qualify for federal grants for new programs under the Stewart B. McKinney Homeless Assistance Act. If a city, county, or city and county is prevented by unforeseen circumstances from funding the matching fund requirement, the Controller would be required to disburse the matching funds to that city, county, or city and county as a loan.

The bill would make the above provisions inoperative on June 30, 1995, and would repeal those provisions on January 1, 1996, or upon the repeal of the federal Stewart B. McKinney Homeless Assistance Act of 1987, whichever is earlier.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1281 (AB 2874) Tucker. Judges' Retirement System: retired judges.

Existing law provides that judges retired under the Judges' Retirement System assigned to sit in a court receive the difference between their retirement allowance and 92% of the full compensation of a judge of that assigned court or only their retirement allowance depending upon the compensation of the assigned court.

This bill would require judges retired under the Judges' Retirement System to receive 92% of the full compensation of the assigned court without loss or interruption of retirement benefits if that service does not exceed a total of 70 working days or 560 hours for all assignments in any fiscal year. In no case could the combined compensation and retirement allowance in any fiscal year exceed 92% of a superior court judge's annual compensation. The Judges' Retirement Fund would be reimbursed by the state for the amount of allowance paid during the assignment and the state would be required to make contributions.

This bill would not be operative in any county unless the board of supervisors, by resolution, makes it applicable in the county.

Ch. 1282 (AB 2949) Harris. Signs: real property sales.

Existing law gives owners of real property the right to display prescribed signs advertising that the property is offered for sale, lease, or exchange. Existing law voids contrary provisions in any deed granting fee title, purchase money security instrument, or ordinance.

This bill would specify that such a sign (1) may be displayed on the owner's property or, with consent, on the property of another, (2) may be reasonably located in plain view of the public, and (3) may additionally advertise directions to the property for sale, lease, or exchange The bill would not affect any authority of a person or local governmental entity to regulate or limit the display of signs on public or private rights-of-way.

Ch. 1283 (AB 3027) Floyd. Horseracing: parimutuel pool.

Existing law, until January 1, 1993, requires that 120 days after the close of any horseracing meeting, any redistributable money in a parimutuel pool from unclaimed tickets is required to be distributed in a certain manner. A specified portion of the money is distributed to the California Horse Racing Board to support research on matters relating to horseracing and racetrack security, a certain portion is required to be deposited in the General Fund, and another portion is required to be distributed to a welfare fund established by the horsemen's organization.

This bill would require that 90%, instead of all, of the redistributable money be distributed 126 days, instead of 120 days after the close of the meeting. The bill would

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also require that 140 days after the close of the meeting, any remaining redistributable money is to be distributed equally between the board and the horsemen's welfare fund.

The bill would provide for a different allocation of the redistributable money on and after January 1, 1993.

Ch. 1284 (AB 3049) Bentley. Vehicles: liens.

(1) Existing law provides separate procedures for the conduct of lien sales of vehicles valued at $1,000 or less and vehicles valued over $1,000 and imposes certain notice and publication requirements. Existing law also prescribes separate procedures for removal and lien sales of abandoned vehicles with estimated values of $300 or less.

This bill would provide that a specified notice is sufficient for serving of process and to proceed with judicial proceedings.

(2) Existing law provides for the recovery by a lienholder of the actual costs of sale, preparation for sale, or processing for disposal of a motor vehicle, not to exceed $50, or $100 in the case of vehicles valued over $1,000.

This bill would increase the $50 amount to $70, and would permit the recovery of average costs in the case of volume sales.

Ch. 1285 (AB 3401) N. Waters. Corrections.

(1) Existing law establishes various categories of peace officers, and specifies their duties and powers.

This bill would provide that correctional officers, as defined, have no right to carry or possess firearms in the performance of his or her prescribed duties except as directed by the superintendent of the facility while engaged in specified activities, and are required to satisfactorily complete a specified training course and a specified jail operations course. This bill would also specify the use of force and powers of arrest of these correctional officers.

(2) Existing law authorizes the Director of Corrections to enter into a long-term agreement, as specified, with a city, county, or city and county, to place parole violators in a special facility, as specified. Existing law also requires that the security at these facilities be provided only by specified peace officers. Existing law further provides that no parole violator or other inmate may be confined in one of these special facilities if they have been convicted of a violent felony, as defined, or if they have received a revocation sentence greater than 8 months.

This bill would provide that the peace officers who may provide security at these special facilities must meet specified qualifications. This bill would also provide that no inmate or parole violator who (a) has received a sentence of life imprisonment within the past 20 years, (b) is convicted of specified crimes, or (c) receives a revocation sentence greater than 12 months, rather than 8 months, may be confined in one of the special facilities established pursuant to these provisions.

This bill would, additionally, require the Department of Corrections, prior to placing the inmate or parole violator in the facility, and the superintendent of the facility, to review each case, as specified. The superintendent would be required to reject those placements which are inappropriate due to a propensity for violence or escape.

This bill would also provide that when the above described special facilities are operated by the county, they shall be under the supervision of the sheriff and when these facilities are operated by the city, they shall be under the supervision of a chief of police or a facility superintendent who shall have at least 5 years of similar experience.

This bill would, in addition, require the Commission on Peace Officers Standards and Training to conduct a study, as specified, and submit a report to the Legislature on or before March 15, 1991.

This bill would provide that certain of its provisions would be in effect only until January 1, 1992, and as of that date would be repealed.

This bill would also include amendments to Section 830.55 of the Penal Code to become operative only if SB 2000 is enacted and becomes operative on or before January 1, 1991, and SB 2000 adds Sections 6241 and 6242 to the Penal Code.

The bill would declare that it is to take effect immediately as an urgency statute.

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Ch. 1286 (AB 3896) W. Brown. Parks and Recreation: funding.

Under existing law, the term "county" is generally defined to include a city and county.

This bill would require the Department of Parks and Recreation to consider the City and County of San Francisco as both a city and a county for purposes of the allocation of funds and would make related changes.

Ch 1287 (AB 3419) Woodruff. Wildlife Conservation Board: property acquisitions.

(1) Under the Wildlife Conservation Law of 1947, the Wildlife Conservation Board in the Department of Fish and Game may authorize the acquisition of lands and interests in lands for various purposes relating to wildlife. Existing law does not require that notice be given to adjacent landowners before the purchase of the land.

This bill would require that a specified notice be given by the board to adjacent landowners.

(2) The money in the Fish and Game Preservation Fund is continuously appropriated to the department to carry out the Fish and Game Code.

Because the bill would impose new duties and procedures on the department, the bill would make an appropriation.

Ch. 1288 (AB 3705) Hauser. Abalone.

(1) Existing law prohibits the taking of any species of abalone (genus Haliotis) during the months of February and August.

This bill would also prohibit that taking during January.

(2) Existing law prohibits the taking of abalone that has a maximum shell diameter less than a specified size, which varies with the species, as specified. Existing law provides for smaller size limit and possession limits, as specified, if the regulations of the Fish and Game Commission limit the maximum number of abalone diving permits issued to 100 or less.

This bill would repeal the alternative provisions that are dependent on the commission regulation.

(3) Existing law limits the persons to whom abalone diving permits may be issued either to prior permittees who made specified landings of abalone in the preceding season or to new permittees who have either specified experience or who complete a specified proficiency test.

This bill would change the landing requirement qualification of the class of prior permittees to whom diving permits may be issued, as specified. The bill would also add a class of new entrants who would be required to have 2 years of prior experience as a diver under the same type of permit for which he or she is applying or to have 3 years' of prior experience as a crewmember under a crewmember permit issued by the department. The bill would also make the permits transferrable under specified conditions until January 1, 1994.

(4) Existing law authorizes the commission to close or open areas for up to 2 years for the commercial taking of abalone if necessary to prevent overuse, to rehabilitate the resource, or otherwise to carry out the provisions of the Fish and Game Code relating to abalone, as specified, if the area opened or closed is also opened or closed, respectively, to sport taking of abalone.

This bill would, if the commission opens or closes a designated area for the commercial taking of abalone pursuant to that provision, prohibit the commission from opening or closing any other area to mitigate or offset the opening or closing of the designated area.

(5) Existing law limits the maximum number of abalone a person licensed to take abalone for commercial purposes may possess or control to 240 black abalone, except when being transported on land.

This bill would, instead, until January 1, 1994, limit the number possessed, transported, or controlled by a licensed person on a fishing vessel or landed on any day to 180 each of red, green, pink, or black abalone and would limit the total number of a species to 360 on a vessel and would make special provision for District 10. After January 1, 1994, the bill would limit only black abalone to 180 on any day by a licensed person with other

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special provisions for District 10.

(6) Existing law provides for specified penalties for violations of the limitations on taking of abalone

This bill would provide enhanced fines, forfeiture of vessels, gear, and vehicles, and revocation of the privilege to take fish for violations resulting from specified excessive taking or possession of abalone north of Point Lobos in District 10, thereby imposing a state-mandated local program by changing the penalties for, and creating new, crimes. The bill would require not less than 50% of the revenue deposited in the Fish and Game Preservation Fund, which is a continuously appropriated fund, from those fines and forfeitures to be allocated for law enforcement purposes, as specified, thereby making an appropriation.

(7) Existing law requires the payment of landing taxes on fish taken for commercial purposes.

This bill would require the payment of an additional landing tax on abalone, as specified, until January 1, 1994. The bill would require the revenues from the additional landing taxes to be deposited in the Fish and Game Preservation Fund and would require the funds to be used for a specified abalone enhancement program. The bill would also create the Abalone Advisory Committee, which the bill would require the Director of Fish and Game to appoint, as specified. The bill would require the director to use his or her best efforts to implement recommendations from the committee. Because the bill would change the duties of the department, the bill would thereby make an appropriation.

(8) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement.

Violations of the Fish and Game Code are, generally, misdemeanors. Because this bill would change the definition of a crime, it would impose a state-mandated local program.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1289 (AB 4082) Chandler. State Building Standards Commission.

Under existing law, the State Building Standards Commission is required to review and approve or disapprove administrative regulations adopted by state agencies that apply directly to the implementation or enforcement of building standards. The commission is also required to codify and publish all building standards or administrative regulations that apply directly to the implementation or enforcement of building standards of state agencies and statutes defining building standards into one California Building Standards Code.

This bill would require the commission, in conjunction with all agencies involved in the adoption of state building standards and the interested public, to conduct a comprehensive review of state building standards and statutes relating to state building standards, beginning January 1, 1991, and continuing through December 31, 1992, as prescribed.

The bill would appropriate up to $200,000 to the commission for purposes of the bill, to be paid from specified funds.

Ch. 1290 (AB 4212) Connelly. Long-term care: California Partnership for Long-Term Care.

Under existing law there are a number of programs which provide health care and social services to elderly persons. These programs are administered by various departments including the Department of Aging, the State Department of Health Services, and the State Department of Social Services.

This bill would create the California Partnership for Long-Term Care Pilot Program. The purpose of the pilot program would be to link private long-term care insurance, and health care service plan contracts which cover long-term care, with the in-home supportive services program and Medi-Cal, and to provide Medi-Cal benefits to certain individuals who have income and resources above the eligibility levels for receipt of medical assistance, but who have purchased certified private long-term care insurance

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policies and subsequently exhausted the benefits of these private policies. The State Department of Health Services would be responsible for certifying those long-term care policies that meet enumerated criteria.

This bill would further specify that the program shall be designed so the estimated aggregate expenditures for long-term care services for individuals participating in the program do not exceed the estimated and aggregate expenditures that would be made for these services under the Medi-Cal program in effect prior to the implementation of this pilot program.

This bill would require the State Department of Health Services and the State Department of Social Services to exclude the amount of benefit payments made by certified long-term insurance policies and health care service plans, to the extent that the benefits paid are for specified services, when determining eligibility for Medi-Cal or in-home supportive services. The bill would require each department to adopt emergency regulations necessary for implementation of the program.

This bill would provide that individuals who participated in the pilot program shall remain eligible for the benefits provided for by the pilot program for the life of the purchaser, as long as the purchaser maintains his or her insurance policy or health care service plan contract in force.

This bill would provide that the State Department of Health Services is to serve as the lead agency. The department would be required to report to the Legislature annually on the progress of the program.

This bill would require specified counseling services to be provided to interested individuals. This bill would also create an advisory task force with specified members and duties.

This bill would require the State Department of Health Services to apply for a grant to pay for the administrative expenses of the program, and would make implementation of the program contingent on receipt of these private funds.

This bill would also authorize the State Department of Health Services to negotiate specified contracts with insurers and health care service plans on a nonbid basis, and would exempt these contracts from certain requirements of the Public Contract Code.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1291 (AB 4282) Johnston. Insurance: Medicare supplement.

Existing law contains various provisions that regulate insurance policies to supplement Medicare or Medicare supplement policies.

This bill would provide that those provisions apply to all Medicare supplement policies and nonprofit hospital service plan agreements delivered or issued for delivery in California, and all certificates delivered in California pursuant to a group master policy issued in any state, but would exclude certain employment-related policies.

This bill would prohibit the advertisement, solicitation, or issuance of a Medicare supplement policy unless the policy contains definitions that conform to requirements of the bill, and unless the policy conforms to minimum standards established by the bill. The bill would establish minimum benefits for those policies, and would enact related requirements.

The bill would require Medicare supplement policies to include a renewal or continuance provision, as specified.

The bill would require insurers issuing disability policies, certificates, or contracts to persons eligible for Medicare to provide a Medicare Supplement Buyer's Guide, as specified.

The bill would require notice of Medicare benefit changes.

Existing law requires insurers to provide an outline of coverage prescribed by the Insurance Commissioner of Medicare supplement policies.

This bill would instead set forth a required outline of coverage.

The bill would require insurers to comply with a specified federal law concerning coordination with the Medicare program.

This bill would, upon any Medicare benefit change, require every insurer that provides Medicare supplement insurance to a resident of California to make premium adjustments necessary to produce an expected loss ratio as will conform to the minimum

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loss ratio standards for Medicare supplement policies, and that are expected to result in a loss ratio at least as great as that originally anticipated in the rates used to produce current premiums by the insurer. It would prohibit any other premium adjustment that would modify loss ratio experience under the policy at any time other than upon its renewal date or anniversary date.

The bill would require insurers to comply with a specified federal law concerning coordination with the Medicare program.

Existing law prohibits certain advertising practices concerning Medicare supplement policies.

This bill would require a copy of every advertisement to be filed with the commissioner 30 days before its use.

Existing law prohibits causing a person to unnecessarily replace a Medicare supplement policy.

This bill would require application forms to contain questions concerning the possibility of other policies. It would also require agents to collect information, and would require a specified disclosure in the case of a replacement policy.

The bill would require insurers to adopt specified marketing procedures, and would prohibit specified practices.

Existing law provides that no person shall knowingly recommend for purchase or sell a Medicare supplement policy that will result in coverage of more than 100%.

This bill would, instead, require agents to determine the appropriateness of a replacement, and would prohibit a sale that would result in more than one supplement policy unless the combination would insure no more than 100% of expenses, as specified.

The bill would require insurers to report specified information.

The bill would provide that an insurer issuing a replacement policy shall waive certain time periods such as for preexisting conditions.

Existing law limits the compensation on replacement policies to the compensation that would have been paid for renewal.

This bill would also limit the commission for the sale of a Medicare supplement policy to 200% of the commission for selling the policy in the second year, and would impose related restrictions.

The bill would make conforming changes in existing law.

Since a violation of certain provisions of the bill would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The bill would incorporate additional changes proposed by AB 2715 contingent on the prior enactment of that bill.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1292 (SB 522) Alquist. Education: geography programs.

Existing law provides for the operation by school districts of certain staff development programs.

The bill would appropriate $104,000 to the Superintendent of Public Instruction for the 1990–91 fiscal year, for allocation for geography education staff development programs. To the extent that this appropriation would be apportioned to school districts in furtherance of the educational objectives of those districts, those funds may be applied toward the minimum funding requirements for school districts imposed by Section 8 of Article XVI of the California Constitution

The bill would declare that it is to take effect immediately as an appropriation for the usual current expenses of the state.

Ch. 1293 (SB 1147) Lockyer. Fines and forfeitures.

Existing law establishes the Assessment Fund in the State Treasury and provides for the levy of a specified assessment on fines and forfeitures imposed for criminal violations

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to be deposited therein.

This bill would change the name of the Assessment Fund to the State Penalty Fund, and rename the assessments deposited therein as state penalties.

This bill would also incorporate additional changes in Section 1464 of the Penal Code proposed by AB 3821, to be operative only if AB 3821 and this bill are both chaptered and become effective January 1, 1991, and this bill is chaptered last.

Ch. 1294 (SB 1845) Torres. Water quality: bay and ocean discharge fees.

(1) Existing law requires the State Water Resources Control Board and the California regional water quality control boards, in consultation with the State Department of Health Services and the Department of Fish and Game, to develop and maintain a comprehensive program, as prescribed, to identify and characterize toxic hot spots, as defined, in enclosed bays and estuaries, as defined, to plan for the cleanup of the sites, and to amend water quality control plans and policies, as specified. Existing law requires the state board, by July 1, 1991, to adopt and submit to the Legislature a workplan for the adoption of sediment quality objectives for toxic pollutants that have been identified in known or suspected toxic hot spots and for toxic pollutants that have been identified as a pollutant of concern, and specifies related powers and duties of the state board.

This bill would, until January 1, 1994, require the state board to establish fees applicable to all point and nonpoint dischargers who discharge into enclosed bays, estuaries, or any adjacent waters in the contiguous zone or the ocean, as defined, to be collected annually The bill would require the schedule to be set at an amount sufficient to fund the foregoing responsibilities and duties, not to exceed a total of $4,000,000 per year.

The bill would require the fees collected to be deposited in the Bay Protection and Toxic Cleanup Fund which the bill would create and would prescribe related matters. The bill would make failure to pay the fee when so requested by the state board a misdemeanor, thereby imposing a state-mandated local program, and would make failure to pay subject to specified provisions imposing civil liability.

The bill would require the board, by January 1, 1993, to report to the Legislature on the progress made toward meeting the requirements of the program and the adequacy of the fee levels.

(2) Chapter 269 of the Statutes of 1989 appropriated $5,000,000 from the Hazardous Waste Control Account to the state board to implement the comprehensive program.

The bill would make those funds available to the state board for purposes of implementing the fee system, thereby making an appropriation.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1295 (SB 1920) Torres. Los Angeles River: parkway.

Under existing law, the State Coastal Conservancy has various powers and duties relating to the preservation of wildlife habitat.

This bill would authorize the conservancy, using specified funds, to prepare a plan for development of the Los Angeles River floodway as a park and recreation area, including specified feasibility studies, thereby making an appropriation. The bill would require the conservancy to consult with all appropriate entities in the preparation of the plan and, if the conservancy authorizes expenditure of funds for the plan, to submit the plan and the conservancy's administrative and other costs to the Governor and the Legislature by July 1, 1992. The bill would request the Los Angeles County Transportation Commission, in the preparation of a feasibility study on an alternative use of the floodway, to also consider the feasibility of incorporating a parkway into that use, and would prohibit the expenditure of state funds for purposes of that study until the plan required by this bill is completed and submitted to the Legislature and the Governor. The bill would require the Department of Water Resources and the Department of Fish and Game to cooperate in the development of the plan, using specified funds, thereby making an appropriation.

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Ch. 1296 (SB 2061) Killea. Motor vehicles: passing stopped schoolbus: letter of warning.

(1) Existing law prescribes conditions under which it is unlawful for a vehicle to pass a stopped schoolbus and makes the violation of that prohibition an infraction.

This bill would, in addition, permit the schoolbus driver to report the violation to the local law enforcement agency having jurisdiction of the offense, furnishing a description of the vehicle, and would require the law enforcement agency to issue a letter of warning, as prescribed, to the registered owner of the vehicle with respect to the alleged violation. The bill would require the Attorney General to prepare and distribute to law enforcement agencies the form letter for this purpose. By imposing these duties on local law enforcement agencies, the bill would impose a state-mandated local program.

The bill would increase the fines for violations of the prohibition against passing a stopped schoolbus, and would require the Department of Motor Vehicles, in certain cases, to suspend the offender's privilege to operate a motor vehicle.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 1297 (SB 2144) Dills. Housing: local housing purchase program.

Under existing law, programs for the assistance of persons buying their 1st home operated by a city or county define mortgagor as a person or persons who have received a home mortgage on a home and who are deemed by the city or county to be a person or family of low or moderate income and unable to pay the amounts at which unassisted private enterprise is providing suitable, decent, safe, and sanitary housing.

This bill would, in addition, define mortgagor to include a 1st-time homebuyer, as defined in the bill, who is unable to pay the amounts at which unassisted private enterprise is providing suitable, decent, safe, and sanitary housing.

Existing law requires that a city or county establish eligibility criteria for mortgagors under the program which must meet certain requirements.

This bill would provide that criteria established for 1st-time homebuyers need not include the criteria required for qualification of other mortgagors.

The bill would require mortgages under a program administered by the City of Gardena to contain specified terms: including a provision permitting the City of Gardena, in order to allow the buyer to purchase the home selected without incurring excessive monthly payments at the time of initial purchase, to postpone the commencement of any portion of the payments for not to exceed 5 years, in accordance with specified criteria; a prohibition against the total term of the contract exceeding 40 years; a provision permitting a purchaser on any installment date to pay any or all installments still remaining unpaid, and a provision permitting the City of Gardena to postpone a mortgagor's installment payment or any part thereof.

Existing law requires that, except as specified, each city or county's program allocate 60% of the dollar amount for the financing of housing from bond proceeds to fund loans for the purchase of homes where the purchaser will be the 1st occupant, or for substantial rehabilitation, as defined.

This bill would provide that this requirement does not apply to that portion of the proceeds of any bonds issued to finance home mortgages for 1st-time homebuyers.

This bill would also make findings and declarations concerning the increased inability of families to purchase their 1st home and the benefits of programs providing this assistance.

The bill would state that these provisions constitute necessary special legislation applicable only to the City of Gardena.

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Ch. 1298 (SB 2152) Marks. Institutionalization prevention services: congregate housing.

Under existing law, the Institutionalization Prevention Services Program, cited also as the Linkages Program, requires the Department of Aging to award funds to various nonprofit organizations and local agencies for the purpose of providing services to allow functionally impaired adults and frail elderly persons to remain in their own homes.

This bill would include congregate housing for elderly and functionally impaired adults within the scope of services which may be allowed under the Institutionalization Prevention Services Program.

Ch. 1299 (SB 2220) Seymour. Employee Assistance Consortium Demonstration Program.

Under existing law, the State Department of Alcohol and Drug Programs is responsible for directing and coordinating the state's efforts to prevent or minimize the effect of alcohol misuse, narcotic addiction, and drug abuse.

This bill would establish in the department the Employee Assistance Consortium Demonstration Program to provide a public-private partnership where the state will provide financial and technical assistance resources to consortiums, as defined, to promote and facilitate the establishment of an employee assistance program, as defined.

This bill would establish the Employee Assistance Advisory Council, which would be required to develop guidelines for the implementation of the Employee Assistance Consortium Demonstration Program and to review and approve all applications from consortiums for program funding.

This bill would make legislative findings and declarations with regard to the need for employee assistance programs, as specified, and would prohibit certain conflicts of interest, as specified.

The bill would require the department, with the assistance of the council, to report to the Legislature on the effectiveness of the program on or before January 1, 1993, as specified.

This bill would, to the extent permitted by federal law, require $200,000 of unobligated federal funds appropriated to the department to be available for the purpose of the bill.

Ch. 1300 (SB 2230) Robbins. Insurance: publication of information.

Existing law authorizes the Insurance Commissioner, in his or her judgment, to make public any information concerning any insurer or securities sold in this state where the giving or publishing of that information will tend to prevent the fraudulent sale of securities.

This bill would, additionally, authorize the commissioner to make public information concerning the purchase of specified securities under similar circumstances.

Ch 1301 (SB 2292) Morgan. Durable goods: standards: fees.

Under the California Integrated Waste Management Act of 1989, various programs are established to promote recycling of materials. The Source Reduction Advisory Committee is required to develop recommendations for the California Integrated Waste Management Board concerning specified issues, including the development of product durability standards.

This bill would authorize the committee to take specified factors into consideration when making recommendations concerning product durability standards.

Ch. 1302 (SB 2298) Davis. Community colleges: certificated employees.

(1) Under existing law, employees in the state's public schools who hold specified credentials, and who are employed for at least 50% of each school month in work authorized by their credentials, are members of the State Teachers' Retirement System.

This bill would correct an obsolete reference in these provisions, and would include employees of the community college districts who meet minimum standards adopted by the Board of Governors of the California Community Colleges as members of the State Teachers' Retirement System.

(2) Existing law categorizes employees providing certain services to community col-

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leges as "certificated employees" or their positions as "positions requiring certification qualifications."

This bill would provide that whenever the term "certificated employee" is used it shall be deemed to mean "academic employee," as defined. The bill would also revise and delete various related terms, make other technical and conforming changes, and delete obsolete provisions.

(3) Existing law requires the preparation of fingerprint identification cards for new classified employees.

This bill would permit the employing community college district to require the preparation by a local law enforcement agency of fingerprint identification cards for new academic employees, as specified, thus imposing a state-mandated local program.

(4) This bill would establish in the State Treasury the Community College Credentials Fund derived from fees, as specified, and continuously appropriated to the Board of Governors of the California Community Colleges for use as prescribed.

(5) Existing law prescribes the minimum qualifications for various academic and administrative staff of community colleges.

This bill would generally require the board of governors to adopt regulations concerning the minimum qualifications for employment in the community colleges as a faculty member, an educational administrator, and other specified employees. The bill would require that the regulations establish specified minimum qualifications for service as a supervisor of health unless amended by the board of governors. The bill would permit the governing board of a community college district to employ, as a temporary faculty member, a person who is not qualified for such service otherwise but who meets specified education and experience requirements.

(6) Existing law, to become operative upon implementation of Phase II of transitional program improvement of the community colleges, as provided by Chapter 973 of the Statutes of 1988, requires that a person employed in an administrative position that is not part of the classified service, who has not previously acquired tenured status as a faculty member in the same district, has the right, pursuant to a process developed and agreed upon jointly by representatives of the governing board and the academic senate, to become a 1st year probationary faculty member once his or her administrative assignment expires or is terminated, subject to specified conditions.

This bill would require that this provision shall apply to every educational administrator whose first day of paid service in a community college district as a faculty member is on or after July 1, 1990.

The bill would provide that a person whose first day of service in an administrative or supervisory position requiring certification qualifications upon completing a contract period that precedes July 1, 1990, shall be classified as and become a regular employee as a classroom instructor, as specified.

The bill would provide that the employment, reemployment, and acquisition of tenure of faculty whose first day of paid service is on or after July 1, 1991, or on or after the date of the implementation of Phase II of transitional program improvement of the community colleges, whichever is later, shall be governed in accordance with specified statutes for 2 years following the date of Phase II implementation.

(7) The bill would revise the procedures for consideration of the permanent status of an academic employee.

(8) Existing law requires community college districts to place on compulsory leave employees charged with certain sex offenses, as specified

This bill would make this provision discretionary.

(9) The bill also would revise existing procedures concerning tuberculosis testing of academic employees.

(10) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that this

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bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

(11) This bill would incorporate additional changes in Section 87488 of the Education Code, proposed by AB 2609, to be operative only if AB 2609 and this bill are both chaptered and become effective on or before January 1, 1991, and this bill is chaptered last.

(12) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1303 (SB 2305) Ayala. Crimes.

Existing law provides that in lieu of adjudicating a traffic offense, with the consent of the defendant, a court may order a person issued a notice to appear for a traffic violation to attend a traffic violator school, as specified.

This bill would provide, in addition, that notwithstanding any other provision of law, a county acting on behalf of one or more individual courts may by ordinance establish a program that provides for pretrial diversion by the court of any person issued a notice to appear for a traffic violation to attend traffic violator school, as specified.

Under existing law, $50 of the fine assessed for certain violations of the Vehicle Code is required to be deposited with the county treasurer in a special account to be used exclusively to pay for the cost of performing analysis of blood, breath, or urine for alcohol content or for the presence of drugs. Existing law also permits the Board of Supervisors of Contra Costa County to authorize the imposition of a $50 assessment by the court upon each defendant convicted of specified provisions of the Vehicle Code for deposit in the special account.

This bill would extend the provisions permitting the Board of Supervisors of Contra Costa County to authorize the imposition of an additional penalty, as specified, upon each defendant convicted of the same specified violations of the Vehicle Code to the board of supervisors of any county. The bill would provide that the penalty authorized shall be deposited directly into the special account of the county, or the city or special district within the county, which performed the test. The bill would further provide that the additional penalty that may be imposed by counties other than Contra Costa shall be imposed only in those instances where the defendant has the ability to pay, as defined. This bill would also provide that these penalties shall not be the basis for any additional assessments, as specified.

The bill would also authorize the distribution of specified fines, forfeitures, and penalties imposed for reckless driving or driving under the influence to be determined and made monthly upon the basis of probability sampling, as specified.

Ch. 1304 (SB 2559) L. Greene. Housing: high density: mass transit.

Under existing law, the California Transportation Commission is required to allocate certain funds for, among other things, exclusive public mass transit guideways and rolling stock.

This bill would require the Department of Housing and Community Development, in cooperation with the California Transportation Commission to develop and implement a demonstration program to test the effectiveness of increasing densities of residential development in close proximity to mass transit guideway stations to increase the benefit from public investment in mass transit. The bill would also require the commission and any awarding department to consider, in the allocation of the proceeds of certain bonds, projects and applicants that promote high density residential development within ¼ mile of a mass transit guideway station, as specified.

The bill would require the department and commission to prepare a preliminary report to the Legislature, no later than January 1, 1994, and a final report to the Legislature no later than January 1, 1996, regarding the success of the demonstration program.

Ch. 1305 (SB 2627) Beverly. Small claims court.

Existing law establishes a small claims division in each justice and municipal court to hear civil matters of limited monetary jurisdiction on an informal basis without the representation of counsel, as specified.

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This bill would revise and recast those provisions, make related changes, and state the intent of the Legislature in this regard.

Ch. 1306 (SB 2638) Craven. Escrow.

Existing law authorizes an applicant for an escrow agent's license or a licensee, in lieu of depositing a required bond, to deposit with the Commissioner of Corporations a cash bond evidenced by a bank deposit in that amount.

This bill would additionally authorize that cash deposit to be in investment certificates of industrial loan companies insured by the Federal Deposit Insurance Corporation (FDIC), as specified.

Existing law requires all moneys deposited in escrow to be delivered upon the close of the escrow or upon any other contingency, to be deposited and maintained in a noninterest-bearing demand or checking account in a bank, a savings bank, or a savings and loan association.

This bill would additionally authorize the deposit and maintenance of those moneys in a noninterest-bearing account, subject to immediate withdrawal, in an industrial loan company insured by the FDIC, and approved to receive those moneys by the commissioner.

It would also require an industrial loan company to secure prior authorization from the commissioner before accepting funds for deposit into escrow. It would also authorize the commissioner to impose or revise liquidity and reserve requirements, as specified.

Ch. 1307 (SB 2649) Morgan. Uniform Management of Institutional Funds Act

Existing law, known as the Uniform Management of Institutional Funds Act, applies to private incorporated or unincorporated organizations organized and operated exclusively for educational purposes and accredited by the Association of Western Colleges and Universities to the extent that the organizations hold funds exclusively for those purposes and governs the management of institutional funds, as defined. Existing law authorizes the governing board, as defined, to appropriate for expenditure for the uses and purposes for which an endowment fund is established so much of the net appreciation, realized in the fair value of the assets of an endowment fund over the historic dollar value of the fund as is prudent under a specified standard.

This bill would repeal and recast the Uniform Management of Institutional Funds Act to apply, not only to specified private postsecondary educational institutions, but also to other incorporated or unincorporated organizations organized and operated exclusively for educational, religious, charitable, or other eleemosynary purposes, or governmental organizations to the extent that those organizations hold funds exclusively for any of these purposes. This bill, among other things, would authorize the governing board to appropriate for expenditure for the uses and purposes for which an endowment fund is established that amount of the net appreciation unrealized, as well as realized, in the fair value of the assets of an endowment fund over the historic dollar value of the fund as is prudent under the specified standard. However, the bill would not permit these appropriations, as to unrealized net appreciation of real property assets, until January 1, 1994. This bill would specify that nothing in the Uniform Management of Institutional Funds Act, as recasted, limits the application of any law relating to the expenditure of public funds.

This bill would also make conforming changes to existing law.

This bill would also add the Uniform Management of Institutional Funds Act to the Probate Code enacted by Chapter 79 of the Statutes of 1990 on its operative date.

Ch. 1308 (SB 2650) Davis. Insurance. Workers' Compensation Rate Study Commission

Existing law provides for the creation of a Workers' Compensation Rate Study Commission in the Department of Insurance for the purpose of evaluating the workers' compensation insurance ratemaking process, as specified.

This bill would additionally require that commission to include in its evaluation an analysis of whether public self-insured employers should be permitted to purchase aggregate excess insurance, as specified.

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Ch. 1309 (SB 2664) Presley. State real property.

(1) Under existing law, whenever the Director of General Services or any other director of a state agency, except for the California State University, who has decision-making authority, decides to go out to bid to construct a state building, expand an existing building, expand the use of an existing building, or enter into a lease of an existing building, he or she is required to notify specified state and local officials at least 60 days prior to the action.

This bill would limit the application of this requirement to instances where those actions will be taken by the Director of Corrections, the Director of the Youth Authority, or the Director of General Services acting on behalf of either director.

(2) Under existing law, the Department of General Services has various duties concerning state property.

This bill would authorize the Director of General Services to sell, exchange, or lease specified parcels of state property. The bill would also authorize the State Director of Health Services to lease specified property for a low level radioactive waste facility.

The bill would designate the funds into which proceeds are to be deposited and would require the reservation of mineral rights, as specified.

The bill would also delete the authority of the director to sell or exchange specified parcels which the director was previously authorized to sell or exchange.

Ch. 1310 (SB 2665) Presley Public social services: hospital reimbursements.

Existing law provides basic health care coverage to certain qualified low-income individuals through local assistance programs and through the Medi-Cal program, which is administered by the State Department of Health Services and funded in part by the federal government.

Under existing law, hospitals contracting to provide Medi-Cal inpatient hospital services, or which contract with county organized health systems, and which meet specified criteria, may receive reimbursement, in addition to their Medi-Cal reimbursement, from the department for a portion of the costs of certain capital projects.

Under existing law, eligible projects include those new capital projects for which final plans have been submitted to the Office of the State Architect and the Office of Statewide Health Planning and Development after July 1, 1989, and prior to June 30, 1994.

This bill would require the department to confirm hospital and project eligibility in writing.

Existing law provides that the state shall pledge to and agree with the holders of revenue bonds issued to finance these projects, not to limit or alter hospitals' vested rights to receive supplemental reimbursement until the debt service is paid or the supplemental rate is no longer required.

Existing law also explains the method for calculating the amount of supplemental reimbursement, and requires that the hospital maintain a certain ratio, calculated as specified, of Medi-Cal patients to total patients prior to the retirement of the debt.

This bill would specify that hospitals whose Medi-Cal ratio falls below this requirement shall at least maintain the ratio as calculated unless forces beyond the hospital's control have decreased the absolute volume of care.

Existing law defines revenue bonds for the purposes of determining eligibility for supplemental reimbursement.

This bill would include general obligation bonds issued by or on behalf of eligible hospitals for projects of more than $5,000,000 as revenue bonds for these purposes, subject to certain limitations.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1311 (SB 2674) L. Greene. Housing development loans.

Existing law authorizes the Department of Housing and Community Development to contract with school districts, housing authorities, health agencies, and other appropriate local public and private nonprofit agencies, for the procurement or construction of housing or shelter, to obtain services for migratory agricultural workers in the fields of education and sanitation, and to obtain day care services for the children of those workers.

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This bill would specify that, notwithstanding any other provision of law, contracts made pursuant to these provisions are deemed to be for local assistance.

Under existing law, the department is required to ensure that elderly or physically handicapped households be allocated not less than 20% nor more than 30% of all units assisted by moneys from the continuously appropriated Rental Housing Construction Fund pursuant to the Rental Housing Construction Program. Existing law also requires the department to ensure that not less than 20% of all units assisted by moneys from that fund be allocated to rural areas.

This bill would make an appropriation by instead requiring the department to ensure that elderly or handicapped households be allocated not less than 20% nor more than 30% of the units assisted by moneys from that fund, and would make an additional appropriation by requiring not less than 20% of the funds loaned pursuant to the program after November 1989 be allocated to rural areas.

The bill would state that the amendments made by the bill to specified provisions of the program would only apply to any housing development financed from the proceeds of bonds issued pursuant to bond acts adopted by the voters after the effective date of the bill.

Under existing law, the department is required to implement the Family Housing Demonstration Program, under which it may make loans from the continuously appropriated Family Housing Demonstration Account to sponsors for purposes of assisting the development of community housing developments. Existing law requires, with the exception of those moneys transferred to the account pursuant to specified law, that additional moneys transferred or deposited in the account be utilized and apportioned in accordance with certain percentages unless the terms of the transfers or deposit provide otherwise.

This bill would delete that exception and would instead require that all money available for loans in the account be utilized and apportioned in accordance with certain percentages unless the terms of the transfers or deposit provide otherwise. By requiring all money available for loans in the account to be utilized and apportioned in accordance with certain percentages unless the terms of the transfers or deposit provide otherwise, the bill would make an appropriation

Under existing law, the housing component of a community housing development is required to include certain features and criteria, including, among others, the requirement that not less than ⅓ of all assisted units, to the extent feasible, be available on a priority basis to, or occupied by, very low income households.

This bill would revise that criteria to require that not less than ⅔ of all assisted units, to the extent feasible, be available on a priority basis to, or occupied by, very low income households.

Under existing law, moneys in the Family Housing Demonstration Account derived from the proceeds of general obligation bonds issued by the state cannot be expended for project operating costs.

This bill would make an additional appropriation by authorizing the department to use any amounts available in the account for the purpose of curing or avoiding a sponsor's default on the terms of any loan or other obligation which will jeopardize the financial integrity of a housing development or the department's security in the housing development.

Existing law specifies that no more than 50% of the costs of a child care center and related play area be paid for from the account, notwithstanding the ratio between assisted and nonassisted units.

This bill would make an appropriation by authorizing the department to pay the balance needed from the account if the department finds that sufficient funding is not available to pay for the remainder of the cost.

Existing law requires the department to base the award of funds from the account on a quarterly ranking of sponsor applications.

This bill would require fund commitments to be based on a ranking of applications which would be required to occur at least once every 3 months until there are insufficient funds available to commit according to that ranking. The bill would also impose

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additional conditions upon the regulatory agreement required to be executed by a sponsor receiving a loan.

Under existing law, the department is authorized, until June 30, 1990, to adopt, amend, or repeal emergency regulations to implement the program, which are conclusively presumed to meet specified existing criteria for emergency regulations.

This bill would extend that authority of the department until June 30, 1992.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1312 (SB 2695) Bergeson. Land: real property: low-rent housing projects.

Under existing law, all land and other real property to be acquired by or for any state agency, except among others, the Department of Transportation and the Department of Water Resources, is required to be acquired by the State Public Works Board in accordance with the provisions of the Property Acquisition Law.

This bill would include within that exception from those requirements, all land and other real property acquired by or for the Department of Housing and Community Development. The bill would also specify that any interest in real property acquired by the department in furtherance of programs under the Zonovich-Moscone-Chacon Housing and Home Finance Act during the period from January 1, 1976, to the effective date of the bill's provisions, is deemed a valid and lawful acquisition.

Existing law prohibits deeds or grants conveying any interest in or easement upon real estate to a political corporation or governmental agency for public purposes from being accepted for recordation without the consent of the grantee evidenced by its certificate or resolution of acceptance attached to or printed on the deed or grant.

This bill would specify that these requirements do not apply to a deed of trust or other security or regulatory document recorded by or on behalf of a state agency pursuant to a program or activity of the agency authorized by statute or regulation. The bill would make the Legislature's findings and declarations that the amendments of those provisions made by the bill do not constitute a change in, but are declaratory of, existing law. The bill would also specify that any deed of trust or other security or regulatory document recorded by or on behalf of a state agency pursuant to that agency's authorized programs or activities, which has been accepted for recordation during the period from January 1, 1957, to the effective date of the bill, is deemed a valid document entitled to recordation.

Existing law prescribes that a low-rent housing project, for purposes of mandatory voter approval under Article XXXIV of the California Constitution, does not include a development, intended for owner-occupancy, including cooperative or condominium ownership.

This bill would provide for this purpose, that a development intended for owner-occupancy includes limited equity housing cooperatives, as defined.

Ch. 1313 (SB 2718) Watson. Child support.

(1) Existing law requires the State Department of Social Services to ensure the efficient, effective, and equitable administration of public assistance programs by implementing a statewide automated welfare system based upon state-mandated standards for various public assistance programs, including child support enforcement programs.

Existing law also requires the department to submit, on or before October 1, 1990, an advance automated planning document for the child support enforcement program meeting specified requirements to the Secretary of the United States Department of Health and Human Services.

This bill would, in addition, require the department to ensure that the statewide automated child support system is operational in all counties, except Los Angeles County, by October 1, 1995. It would create a state-mandated local program by requiring the system used in Los Angeles County to interface with the statewide system.

The bill would also require the department to continue to work with counties when changes are proposed to the statewide system.

The bill would require the state, to the extent enhanced federal funding is approved, to pay 100% of the nonfederal share of costs for the development and implementation of the system incurred prior to October 1, 1995. County staff costs approved for en-

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hanced federal financial participation would be exempt from this provision. The counties would be required to pay the nonfederal share of the ongoing operational and maintenance costs of the statewide system, thus imposing a state-mandated local program.

(2) Existing law provides that upon application by either party in a proceeding where a court has ordered either or both parents to maintain a health insurance policy, the court may order a health insurance coverage assignment, requiring the obligor parent's employer or other person providing health insurance to the parent, to enroll the child in that health insurance plan. The employer is required to provide evidence of coverage to both parents or the parent having custody of the child.

This bill would authorize the court to make a finding of good cause for not making this order in certain cases. It would, in addition, authorize the district attorney to apply for the health insurance coverage assignment, would require the court to order the assignment when the application has been made, and would require the employer to provide evidence of coverage to the district attorney, and other specified information, upon the district attorney's request.

This bill would specify medical support as a child support obligation that the district attorney is responsible for establishing, modifying, and enforcing.

(3) Existing law requires that, with respect to an action brought or enforcement proceeding instituted by the district attorney, health insurance be maintained, if available at no or reasonable cost to a parent or the parents, and that a child support order contain a provision requiring coverage to be obtained if it becomes available at no or reasonable cost.

Existing law also requires that, in any action brought, or enforcement proceeding instituted by the district attorney for payment of child or spousal support, a completed state medical insurance form be obtained and sent by the district attorney to the State Department of Health Services, as prescribed by that department.

Existing law requires the State Department of Health Services to notify the district attorney when there has been a lapse in court-ordered insurance coverage.

This bill would require the district attorney to be responsible for forwarding information pertaining to the health insurance policy secured for the dependent children for whom the district attorney is enforcing the court-ordered medical support to the custodial parent.

The bill would also require the district attorney to periodically communicate with the State Department of Health Services to determine if there have been lapses in health insurance coverage for public assistance applicants or recipients. By imposing additional duties upon the district attorney, the bill would constitute a state-mandated local program

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 1314 (SB 2729) Marks. Elections.

Existing law requires the county elections official to preserve canceled affidavits of registration for a period of time specified by law.

This bill would delete this requirement. It would also delete a similar duplicate requirement.

Existing law requires the county elections official to preserve for a period of 4 years a list of the names and addresses of persons who voted as new residents.

This bill would delete this requirement. It would instead require that the elections official preserve the list for 22 months from the date of the election.

Existing law requires a city clerk to preserve municipal referendum petitions in the

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same manner as are county measures under specified provisions of law.

This bill would delete this requirement.

Existing law requires the elections official, in elections where candidates for specified federal offices are voted for, to keep packages containing specified ballots unopened for 22 months subsequent to the date of the declaration of the results of the election. It requires the elections official, in state or local elections, to keep similar packages unopened for 6 months subsequent to the date of the declaration of results of the election.

This bill would require that the packages for elections on federal candidates be kept unopened for 22 months from the date of the election, and that the packages remain unopened until all ballots are destroyed or recycled, except under specified conditions. It would require that packages for state and local elections be kept unopened for 6 months from the date of the election, and that the packages remain unopened until all ballots are destroyed or recycled, except under specified conditions. It would impose a state-mandated local program by requiring the local elections official to destroy or recycle the ballots at the end of the specified periods.

Existing law requires the elections official, in elections where candidates for specified federal offices are voted for, to keep all ballot cards for 22 months or so long thereafter as any contest involving the vote at the election remains unresolved. It requires the elections official, in state or local elections, to keep ballot cards for 6 months or so long thereafter as any contest involving the vote at the election remains unsolved.

This bill would require these time periods to be measured from the date of the election. It would also require the packages or containers to remain unopened until the ballots are destroyed or recycled, except as specified.

This bill would, in addition, require the elections official, in elections where candidates for specified federal offices are voted on, to preserve all applications for absent voter ballots for 22 months from the date of the election and, in state or local elections, to preserve all applications for absent voter ballots for 6 months from the date of the election.

Existing law requires the county clerk to keep envelopes containing the ballots of a district election unopened, except for purposes of a recount, for at least 6 months from the day of the general district election.

This bill would repeal this requirement.

Existing law requires the Secretary of State, following the filing of a statement of the vote from returns compiled after an election, to compile a supplement of the statement of the vote, to be made available to the public.

This bill would require the Secretary of State to compile the supplement within 120 days of the filing of the statement of the vote.

Existing law requires a candidate at the direct primary election for state Senate, Assembly, or for a state constitutional office to file a declaration of intention to become a candidate. It prohibits the printing of the name of a candidate upon any ballot unless he or she files the declaration of candidacy.

This bill would include the Insurance Commissioner in this provision.

Existing law specifies the number of qualified signatures required to qualify a recall for the ballot. In the case of superior, municipal, or justice court judges whose offices have not appeared on the ballot pursuant to law, the required number of signatures is based on the number of votes cast within the judicial jurisdiction for the countywide office which had the least number of votes in the most recent general election in the county in which the judge holds office.

This bill would define "countywide office" for the purposes of this provision.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1315 (SB 2750) Marks. Credit reporting agencies: corrective actions.

Under existing law, if the completeness or accuracy of any item of information contained in a consumer's file maintained by a consumer credit reporting agency is disputed

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by a consumer, and after investigation the disputed item of information is found to be missing, inaccurate, or can no longer be verified, the consumer credit reporting agency is required to (1) promptly add, correct, or delete the information in the consumer's file, and (2) notify the consumer that the information has been added, corrected, or deleted. Existing law also provides that the notification of the consumer shall include an explanation of the obligation of the agency to provide a decoded written version of the file or a written copy of the file with an explanation of any code used, at no charge to the consumer, should the consumer elect to receive such a disclosure.

This bill would delete the requirement of notification of the agency's obligation and provide, instead, that the notification to the consumer shall include a copy of the corrected consumer credit report.

Ch. 1316 (SB 2759) Mello. Public social services: programs for the blind.

Existing state and federal laws provide for the establishment of vending facilities to be operated by blind vendors on state and federal property. The program is administered by the Director of Rehabilitation, and requires the director to establish the Business Enterprises Program for the Blind, and to encourage and establish these vending facilities. In addition, existing law provides that income from vending facilities on state property that are not operated by a blind vendor accrues to the department.

This bill would require the director to promote the Business Enterprises Program for the Blind. The bill would further require the director to seek new placement of vending facilities and to actively pursue commissions from vending facilities not operated by blind vendors.

Under existing law, state property is defined for purposes of this program to include all real property, or part thereof, that is owned, leased, or otherwise controlled or occupied by any department or agency of the state, with certain exclusions.

This bill would delete those exclusions, and would instead require the director to determine whether or not placement of a vending facility for operation by a blind vendor on particular state property is feasible based on specified considerations.

Existing law requires all state agencies to notify the department of any plans to acquire, renovate, or relocate.

This bill would require the Department of General Services, Office of Real Estate and Design Services, to provide this notification in writing regarding state agencies' plans to acquire, renovate, or relocate.

This bill would require the department to promulgate regulations regarding life expectancy and replacement of equipment.

This bill would require the department to consult with the Department of General Services and develop an expedited system for processing equipment orders.

In addition, the bill would require that the director consult with the committee of licensed blind vendors when making various determinations and decisions.

Existing law provides for funds from the operation of the vending facilities to be set aside for specified uses, including the purchase of health insurance for vendors.

This bill would expand the use of the set-aside funds to include the purchase of life insurance for blind vendors to the extent approved by the federal Rehabilitation Services Administration. It would also permit the use of certain funds for the contracting of specified professional services.

Existing law provides for the licensing of blind individuals who qualify as blind vendors. Licenses are issued for an indefinite period, but continuing eligibility as a blind person is reviewed annually.

This bill would require that eligibility be reviewed biennially for partially sighted individuals, and otherwise, only when the department has reason to believe that a blind vendor no longer fits the definition of a blind person. The bill would further require the director to adopt and publish regulations regarding licensure requirements, training curriculum, and scheduling of training classes.

Existing law provides for the termination of licensure as a blind vendor for good cause after an opportunity for a full and fair hearing is provided.

This bill would establish procedures for the filing of complaints and the issuance of letters of reprimand by the department, and would require that the vendor have 15

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working days to remedy the reason for the complaint. This bill would further prohibit the department from initiating, or encouraging the request for, the removal of a license.

Under existing law, the director is required to assign adequate personnel to administer the program.

This bill would require the director to review the adequacy of staffing annually and to permit input regarding staffing levels by the committee of licensed blind vendors.

Existing law requires that the director provide access to specified data, records, and reports to all vendors. Existing law further requires the director to contract with the Department of General Services for a survey of all vending machines on state property within 180 days of the original effective date of these provisions.

This bill would require the director to obtain all available information from the Department of General Services to conduct this survey by June 30, in every odd-numbered year, commencing with 1991, and to report to the appropriate agencies and the committee of licensed blind vendors regarding specified information biennially. The bill would further require the Auditor General to conduct a fiscal audit of the program every 3 years, and a programmatic review every 5 years commencing with the 1991–92 fiscal year. The bill would require that a copy of all reports be sent to the committee of licensed blind vendors.

Existing law requires the director to adopt and promulgate regulations for administration of the program.

This bill would require the director to review the regulations for possible revisions every 3 years, to provide a written copy, or a tape recording if requested, of all rules and regulations adopted to all vendors, and to notify vendors of proposed changes to the regulations and would enumerate items to be included in the regulations.

Existing law allows the Department of Rehabilitation to contribute commissions collected from vending facilities not operated by blind vendors to an annuity for the blind vendors

This bill would require the department to contribute these funds to the annuity plan after a finding that the vendors' retirement program is actuarially sound and fiscally solvent.

This bill would also make various technical changes.

Ch. 1317 (SB 2765) Killea. Telephones: information access telephone service.

(1) Under existing law, the Public Utilities Commission has jurisdiction over the rates and services of telephone corporations.

This bill would require an information provider, engaged in furnishing any live, recorded, or recorded-interactive telephone service, to provide callers with a delayed timing of information charges, as defined, and a price disclosure message of specified content. It would also require a telephone corporation to provide a period of 12 seconds for such a message, during which the call could be disconnected without incurring charges. The bill would make a violation of its provisions a misdemeanor, thereby imposing a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1318 (SB 2819) Robbins. Improvements: seismic safety and fire sprinklers.

Existing law prescribes the conditions under which public agencies and public officers and employees are liable for injuries caused by dangerous conditions of public property.

This bill would provide that, for purposes of those provisions, seismic safety improvements or fire sprinkler improvements which are owned, built, controlled, operated, and maintained by the private owner of the building in which the improvements are installed are not public property or property of a public entity solely because the improvements were financed, in whole or in part, by means of the formation of a special assessment district.

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Ch. 1319 (SB 2892) Royce. Public employees health benefit plan coverage.

(1) The existing Public Employees' Medical and Hospital Care Act (the act) authorizes employees stationed out of state, as defined, to enter into group health benefit plans provided by out-of-state providers, subject to specified conditions.

This bill would authorize the Board of Administration to contract with health maintenance organizations or fee-for-service plans, doing business in other states to provide health benefits for active state employees performing duties outside of California and for retired employees who choose to reside outside of California.

(2) The act generally precludes surviving spouses from including new family members in health benefit plan coverage.

This bill would codify the administrative interpretation that surviving spouses receiving an option 2, 3, or 4 allowance may not enroll new family members in their health benefit plan coverage.

(3) This bill would provide that its provisions are severable.

(4) This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1320 (AB 4087) Friedman. Appropriations: crimes. [36]

Under existing law, the Office of Criminal Justice Planning is required to, among other duties, receive and disburse federal funds, develop comprehensive and unified procedures to ensure that all local plans and all state and local projects are consistent with a comprehensive state plan developed by the office for the improvement of criminal justice and delinquency prevention activity throughout the state, and cooperate with and render technical assistance to the Legislature, state agencies, units of general local government, and other agencies and institutions, as specified, in matters relating to criminal justice and delinquency prevention.

This bill would require the Office of Criminal Justice Planning to establish a demonstration project in the City of Los Angeles to create police foot patrols in high intensity drug-related crime areas and to issue a request for proposal to select at least 3 additional cities for foot patrol demonstration projects.

The bill would also require the Office of Criminal Justice Planning to conduct an evaluation of the foot patrol programs created by this act and submit a report to the Legislature no later than August 31, 1991.

This bill, pursuant to the Budget Act of 1990, as specified, would appropriate $4,000,000 from funds from the federal Anti-Drug Abuse Act of 1988 to the Drug Control and System Improvement Grant program in the Office of Criminal Justice Planning for allocation, as specified, for the purposes of this act.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1321 (SB 1446) Presley. Community colleges. [37]

This bill would amend and supplement the Budget Act of 1990 by appropriating $1,154,000, as scheduled, to the Board of Governors of the California Community Colleges for a specified capital outlay project at Saddleback Community College.

Under existing law, Item 8885-112-001 of the Budget Act of 1990 appropriates $15,143,000 to the Commission on State Mandates for local assistance for reimbursement of the costs of specified new programs or increased levels of service of existing programs mandated by statute or executive order.

This bill would reappropriate $8,685,000 of that amount to augment specified appropriations for community colleges. It would also require that specified amounts reappropriated for purposes of funding average daily attendance of community colleges beyond the statutory growth limit be a permanent augmentation to the base average daily attendance and revenue in subsequent fiscal years.

This bill would further appropriate $8,418,000 from the General Fund to the State School Fund for the community colleges to be used for program reforms pursuant to existing law.

The bill would declare that it is to take effect immediately as an appropriation for the usual current expenses of the state.

To the extent that the funds appropriated by this bill are allocated to community college districts for purposes of the bill, these funds may be applied toward the minimum

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funding requirements imposed by Section 8 of Article XVI of the California Constitution.

Ch. 1322 (SB 1999) Bergeson. Water quality: New River. [28]

Under existing law, the State Water Resources Control Board is the principal state agency responsible for the coordination and control of water quality.

This bill would require the board to conduct a pilot two-year project as specified to improve the water quality in the New River in Imperial County, and to report to the Legislature by April 15, 1993, on the success of the project.

The bill would appropriate $100,000 for the project.

Ch. 1323 (SB 1409) Presley. Health. [29]

(1) Existing law prescribes a system for allocating funds to counties for the medically indigent services program under which counties administer county health services under the medically indigent services program or contract with the state to do so under the county medical services program. Funds are appropriated to counties for these purposes.

This bill would prescribe a method of recomputing the allocations to be made under those provisions.

(2) Existing law provides for the provision of local mental health services administered by the State Department of Mental Health, including the Children's Mental Health Services and the Short-Doyle programs, among others. Certain mental health services may be reimbursed through the Federal State Legalization Impact Grants (SLIAG).

This bill would appropriate $22,990,400 from specified sources, including $8,913,100 from the General Fund, to the department, to be allocated, as specified, for various services under those programs.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1324 (AB 3106) Klehs. Motor vehicle inspection program.

(1) Existing law prescribes various requirements regarding the equipment used to perform motor vehicle smog checks and the maximum cost of repairs required to allow a motor vehicle to pass a smog check.

This bill would permit the data collected by the equipment of a smog check station, as required by regulations of the Bureau of Automotive Repair, to be used by a licensed smog check station mechanic or operator when appealing a citation issued by the Bureau of Automotive Repair.

The bill would require smog check stations to have a sign notifying customers of the maximum repair amounts. The bill would require stations where smog check repairs are not performed to have posted a statement that repairs are not performed. Because a violation of these requirements would be a crime under existing provisions of law, the bill would impose a state-mandated local program by creating new crimes. The bill would require the Bureau of Automotive Repair to implement Saturday working hours at referee stations, where appropriate.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1325 (AB 3515) Bane. New Motor Vehicle Board: franchise termination.

(1) Existing law prescribes the procedure for a hearing and decision by the New Motor Vehicle Board on a petition to terminate the franchise of a motor vehicle dealer, or resolve a protest of a franchisee. The secretary of the board is authorized to dismiss a protest for failure to comply with discovery procedures without a showing of good cause. Also, the parties may submit a proposed stipulated decision and order of the board, which are deemed to be adopted by the board unless any member of the board objects.

This bill would require substantial justification for the failure to comply with discovery

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procedures, and authorize the secretary of the board to require a party who fails to comply with authorized discovery to pay the attorney's fees and costs of the party who successfully makes or opposes a motion to compel enforcement of discovery. The bill would also revise the prescribed procedures with respect to a stipulated decision and order to resolve a protest filed by a franchisee in which the parties stipulate that good cause exists for the termination of the franchise, by eliminating the requirement for further proceedings by the board to terminate the franchise.

(2) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1326 (AB 3480) Mountjoy. Contractors.

Existing law requires written contracts of licensed contractors to include a statement which discloses, among other things, the address of the Contractors' State License Board.

This bill would delete the street address of the board from that statement.

Existing law does not authorize the Contractors' State License Board to issue a contractor's license to any person based on licensure in another state.

This bill would authorize the Registrar of Contractors to accept the qualifications of a contractor licensed in another state if that state accepts the qualifications of a contractor licensed in this state for purposes of licensure, and if the board ascertains on a case-by-case basis that the professional qualifications and conditions of good standing for licensure and continued licensure are the same or greater in that state as in this state. The bill would authorize the waiver of the trade examination upon certification from that other state that the applicant has been licensed for the previous 5 years.

Existing law provides that any action, other than an action to recover fringe benefits, against a bond filed by a contractor holding an active license shall be brought within 2 years after the expiration of the license period or periods for which a bond has been provided or within 2 years of the date the license of the licensee was inactivated, whichever first occurs.

This bill would instead provide that the action against the contractor's bond or the bond of a qualifying individual must be brought within 2 years after the expiration of the license period during which the act or omission occurred or within 2 years of the date that the license was inactivated, canceled, or revoked, whichever first occurs. In the case of a disciplinary bond, any action, other than to recover fringe benefits, shall be brought within the preceding time periods or within 2 years after the last date for which a bond was required, under specified provisions, whichever first occurs. The bill would provide for the same limitations on the filing of any action against deposit filed in lieu of a contractor's bond or the bond of a qualifying individual or a disciplinary bond.

Existing law provides that an individual license shall be canceled upon the death of the person so licensed, that a partnership license shall be canceled upon the death or disassociation of a partner, and that a joint venture license shall be canceled upon the cancellation, revocation, or withdrawal of any of its entity licenses. The law provides for a continuation of business under those licenses for a period of time, as specified.

This bill would clarify, revise, and recast those provisions without substantive change.

Existing law requires a contractor to notify the Registrar of Contractors within 90 days of any change in information that is required to be filed, including, among other things, changes in address, personnel, name style, bond exemption, as specified, or exemption to qualify for multiple licenses, as specified.

This bill would delete a change in name style from that requirement and would instead require a notification of a change in business name, and would specify that the bond exemption is for the qualifying individual's bond and would provide that failure to provide that change of information within 90 days shall cause the change to be effective on the date notice is received by the Contractors' State License Board at its headquarters office. The bill would also provide that failure to notify the registrar of the changes within 90 days is grounds for disciplinary action.

Existing law establishes the Contractors' License Fund, which is continuously appropriated for the purposes of the Contractors' License Board.

This bill would make an appropriation by transferring $10,000 from the Contractors' License Fund to the Controller for the exclusive use of the California Uniform Construction Cost Accounting Commission, as specified. The bill would also require the commis-

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sion to make a specified report to the Legislature.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1327 (AB 1172) Costa. Courts: Kings and Madera Counties.

(1) Existing law specifies the number, classification, and compensation of municipal court personnel in Kings County and provides for one municipal court judge for the Hanford Judicial District in that county.

This bill would revise the number, classification, and compensation of municipal court personnel, and consolidate the existing municipal court and specified justice courts into the Kings County Municipal Court District with 3 or, upon further legislation, 4 divisions, as specified, each with one municipal court judge The bill would also specify the status of these judgeships with respect to the Brown-Presley Trial Court Funding Act.

This bill would also provide that these provisions shall not become operative until the effective date of an ordinance adopted by the board of supervisors.

(2) This bill would revise the compensation of specified municipal court personnel in the Hanford Judicial District of Kings County, operative only until the operative date of the provisions described in (1).

(3) Existing law provides for the establishment of the Madera County Municipal Court, a 2-judge countywide municipal court district, upon the consolidation of the Chowchilla and Madera/Sierra Judicial Districts by the board of supervisors, as specified.

This bill would revise those provisions to provide, instead, for the establishment of the Madera-Chowchilla Judicial District with 3 municipal court judges, and would make those provisions operative upon the consolidation of the Chowchilla, Borden, and Madera Judicial Districts by the board of supervisors, as specified. The bill would also specify the status of these judgeships with respect to the Brown-Presley Trial Court Funding Act.

Ch. 1328 (SB 196) Killea. Transportation projects: short-term financing instruments.

Under existing law, funds in the State Highway Account in the State Transportation Fund derived from taxes imposed on motor vehicle fuel by the Motor Vehicle Fuel License Tax Law and the Use Fuel Tax Law (gas tax and diesel tax), are annually appropriated by the Legislature to the Department of Transportation for expenditure, as directed by the California Transportation Commission, for street, highway, and public mass transit guideway projects, in accordance with a biennial state transportation improvement program.

This bill would authorize the issuance of short-term financing instruments (certificates of participation and notes), as specified, to finance seismic safety retrofit projects or to mitigate delays in the construction or acquisition of projects in the 1988 State Transportation Improvement Program due to the priority given to seismic safety retrofit projects. Those financing instruments would be secured by a pledge of revenues in the State Highway Account during the period that the certificates or notes are outstanding. The bill would authorize the department to enter into leases and installment purchase contracts for projects.

The bill would continuously appropriate from the State Highway Account any amounts necessary to pay principal and interest on the notes and certificates.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1329 (SB 1524) Mello. Health care.

(1) Under existing law, the Long-Term Care, Health, Safety, and Security Act of 1973, the State Department of Health Services administers a citation system for the imposition of civil sanctions against long-term health care facilities, as defined, in violation of laws and regulations relating to patient care. The department administers a program to ensure that licenses are issued only to those long-term health care facilities that meet state standards relating to patient care.

This bill would express legislative intent to modify the admission, transfer, and discharge requirements of skilled nursing and intermediate care facilities with regard to patients receiving respite care services, as defined. This bill would authorize any person

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receiving respite care services to bring medications to the skilled nursing or intermediate care facility if the contents have been examined and positively identified upon the patient's admission to the facility by the patient's personal physician and surgeon or a pharmacist retained by the facility. This bill would require a skilled nursing facility or intermediate care facility to permit the personal physician and surgeon of a person receiving respite care services to issue advance orders for care and treatment of the patient. A willful or repeated violation of this requirement would be a misdemeanor under existing provisions of law. The changing of a definition of a crime would impose a state-mandated local program. However, a skilled nursing facility or intermediate care facility would not be required to afford a person receiving respite care services a bed-hold when the person is transferred to a general acute care hospital, as defined.

(2) Under existing law, skilled nursing facilities and intermediate care facilities are required to advise patients of their rights and the obligations of the facility. Under existing law, many of the contents, terms, and conditions for contracts of admission, as defined, for admission of a patient to a long-term health care facility are specified, and civil penalties are imposed for violations of these provisions.

This bill would authorize the use of an abbreviated contract of admission, as defined, for a resident admitted to a skilled nursing facility or intermediate care facility who is receiving respite care services, as defined. The abbreviated contract of admission would be required to state that the respite care services are not covered by the Medi-Cal program, with certain exceptions, and would be required to specify the discharge date agreed to upon admission by the skilled nursing facility or intermediate care facility and the person being admitted or his or her representative, and the limitations of the contract itself.

This bill would authorize the use under certain circumstances of a signed written statement prepared by the skilled nursing facility or intermediate care facility which lists the modifications to the abbreviated contract of admission, rather than a new abbreviated contract of admission, when a person seeks to be admitted to the same skilled nursing facility or intermediate care facility to receive respite care services for which there exists a prior executed abbreviated contract of admission which was signed by the person, or his or her legal representative, responsible party, or agent.

(3) Existing law prohibits Medi-Cal long-term health care providers from transferring or seeking to evict any resident out of the facility as a result of the resident changing his or her manner of purchasing the services from private payment or Medicare to Medi-Cal.

This bill would exclude residents of skilled nursing and intermediate care facilities receiving respite care services from that prohibition, with certain exceptions.

(4) Existing law provides for the regulation of health facilities, as defined, and provides for the provision of long-term care services through certain health facilities for purposes of the Medi-Cal program.

This bill would, for purposes of regulation and for purposes of the Medi-Cal program, include nursing facilities within the scope of the definition of health facilities and would define nursing facility to mean a facility that is licensed as either a skilled nursing facility or an intermediate care facility.

This bill would delete provisions referring to skilled nursing facilities and intermediate care facilities, generally, from the Medi-Cal program and would include provisions for the provision of long-term care services through nursing facilities and any category of intermediate care facilities for developmentally disabled persons in the Medi-Cal program.

(5) Existing law requires the State Department of Health Services, any nursing facility, and any medical institution, prior to admitting any person, to provide them, their spouses, and responsible relatives with a statement that explains how Medi-Cal eligibility requirements affect their separate and community property.

This bill would exclude the reference to any medical institution from that requirement.

(6) Under existing law, the disposal resources for less than fair market value made by an institutionalized spouse, to the extent and circumstances set forth in certain provi-

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sions of federal law and regulations adopted thereto, shall result in a period of ineligibility for aid under the Medi-Cal program.

This bill would delete the specific reference to the disposal of resources by an institutionalized spouse and would limit the extent and circumstances under which the disposal of resources would result in a period of ineligibility to those specified in certain provisions of federal law and would delete the reference to regulations adopted pursuant to the federal law.

(7) Existing law requires the fiscal intermediary for the State Department of Health Services to mail a preimprinted claim to cover the current month's services provided by nursing facilities under the Medi-Cal program in certain circumstances, requires the provider to return the preimprinted claim, and specifies the preimprinted claim shall be deemed a late submission no earlier than 2 months following the end of the month of service being billed.

This bill would apply that requirement to any category of intermediate care facility for the developmentally disabled and would change the period after which a preimprinted claim shall be deemed a late submission from 2 months to 6 months.

(8) The bill would make various technical changes.

(9) The bill would make additional conforming changes in Sections 14132c, 14132f, 14132h, 14132s, and 14132y of the Welfare and Institutions Code, if AB 4104 is enacted. This bill also would make additional conforming changes to Section 1250 of the Health and Safety Code if AB 3413 is enacted prior to this bill.

(10) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(11) This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1330 (SB 2788) Russell. Child abuse reporting.

Existing law requires certain categories of persons, including child care custodians, health practitioners, and employees of a child protective agency, as defined, to report known or suspected instances of child abuse, as specified. Existing law further requires the Department of Justice to maintain an updated index of all reports of child abuse reported to it and prohibits the index from containing reports which are determined to be unfounded.

This bill would, for purposes of the child abuse and neglect reporting laws, provide definitions for the terms "substantiated report" and "unsubstantiated report."

Existing law requires the Department of Justice to notify parents or legal guardians requesting a background examination of a professional child care provider, as specified, of the fact that a substantiated report of child abuse either exists or does not exist regarding that person.

This bill would delete the above requirement. The bill would provide, instead, that specified persons or agencies to whom disclosure of reports of child abuse, as defined, is authorized, are responsible for obtaining the original investigative report, as specified, and for drawing independent conclusions regarding the quality and sufficiency of the evidence disclosed regarding investigation, prosecution, or licensing, thereby imposing a state-mandated local program.

The bill would incorporate additional changes in Section 11170 of the Penal Code proposed by AB 2716 and AB 3532, to be operative, as specified, only if all 3 bills, or a combination thereof, are enacted on January 1, 1991, and this bill is chaptered last.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,-

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000, shall be made from the State Mandates Claims Fund.

Ch. 1331 (AB 1428) Hannigan. Child care.

Existing law provides various programs to assist the provision of child care and development services.

This bill would appropriate $900,000 from the contingency reserve for Proposition 98 to the State Department of Education for allocation to the child care resource and referral agencies, pursuant to specified criteria.

Ch. 1332 (AB 2951) Clute. Pupils: biennial drug and alcohol use survey.

Existing law prescribes the powers and duties of the Attorney General.

Under existing law, there are a number of programs to assist school districts and county offices of education in the provision of drug abuse prevention in-service training programs and in-service training programs to assist school personnel in the identification of at-risk pupils

This bill, commencing with the 1991–92 fiscal year, would require the Attorney General, in consultation with the Governor's Policy Council on Alcohol and Drug Abuse, to conduct a biennial survey of drug and alcohol use among pupils enrolled in grades 7, 9, and 11, as prescribed. This bill would require the Attorney General to release the findings of the survey on or before May of each even-numbered year and to prepare and distribute a report on the survey to the Legislature, the Governor, the Superintendent of Public Instruction, law enforcement agencies, school districts, and interested members of the general public.

This bill would require the Attorney General to ensure that the confidentiality of participating school districts and pupils shall be maintained, and would exempt pupil questionnaires and answer sheets from disclosure under the California Public Records Act. This bill would exempt persons reporting survey data from liability from damages in any action based upon the use or misuse of pupil surveys that are mailed or otherwise transmitted to the Attorney General, or his or her designee.

This bill would specify that these provisions shall continue to be funded with the existing resources of the Attorney General.

Ch. 1333 (AB 3459) Friedman. Health: AIDS: residential care facilities.

(1) Existing law permits the State Department of Health Services to approve up to 35 pilot projects to provide housing and food to homeless persons with AIDS or AIDS-related conditions (ARC), and makes the pilot projects inoperative on July 1, 1991, and would repeal them as of January 1, 1992.

This bill would make these provisions inoperative on July 1, 1993, and would repeal them as of January 1, 1994.

(2) Under existing law, the California Community Care Facilities Act defines and provides for licensure of community care facilities, including residential care facilities, by the State Department of Social Services.

This bill would require the department to separately license residential care facilities for persons with chronic, life-threatening illnesses, except as specified. Every facility so licensed would be required to provide described basic services and demonstrate, at the time of application, the existence of specified agreements regarding services. The Director of Social Services would be authorized to waive the licensure requirement for specified facilities that only provide housing, meals, transportation, housekeeping, or recreational and social activities, or that have residents independently accessing supportive services.

The bill would require the applicant or licensee of a facility to file or have on file with the department a bond issued by a surety company if the applicant for a license or renewal of a license for a facility handles or will handle any money of a resident of the facility except under certain circumstances, as prescribed.

The bill would require any person desiring the issuance or renewal of a license for a facility to file with the department an application, as prescribed. The bill would require the department to charge an annual fee for the issuance or renewal of a license or for processing an application therefor, as specified, and would require all fees collected to

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be deposited into the Residential Care Facilities for Persons with Chronic, Life-Threatening Illness Fund, which would be created by the bill. The bill would provide that moneys in the fund, upon an appropriation made in the annual Budget Act, shall be available to the department for certain purposes.

The bill would require the department to provide facilities with printed copies of regulations applicable to the operation of these facilities, as specified, and would require an applicant for licensure, as a condition of licensure, to attend a prescribed 2-day orientation given by the department.

The bill would require each new license issued to expire 12 months from the date of its issuance, but would permit a renewal license to be issued for a period not to exceed 2 years if specified criteria are satisfied. The bill would require a license to be forfeited by operation of law under certain circumstances. The bill also would require the director to deny a license or license renewal if he or she finds that the applicant is not in compliance with the licensing statutes or regulations. The bill would authorize the director to issue provisional licenses for any facility which the director determines is in substantial compliance with the licensing statute and regulations, as prescribed.

The bill would require the department to inspect licensed facilities, as specified. The bill would require the department to make an onsite inspection of a facility, except as specified, within 10 days of receipt of a complaint in writing signed by the complainant detailing an alleged violation. The bill also would require the department to adopt reasonable rules, regulations, and standards for facilities, as prescribed. It would require each facility to keep a current record of certain information.

The bill would authorize the department to order a licensee to remove a resident who has a health condition which cannot be cared for within the limits of the license or requires inpatient care in a health facility, as prescribed.

The bill would require a placement agency, as defined, to place individuals only in licensed residential care facilities or facilities which are exempt from licensure, and would prohibit an employee of a placement agency from placing, referring, or recommending placement of a person in a facility operating without a license, unless the facility is exempt from licensure, and would make a violation of this prohibition a misdemeanor, thereby imposing a state-mandated local program by creating a new crime. The bill also would require any employee of a placement agency who knows, or reasonably suspects that a facility, which is not exempt from licensure, is operating without a license to report the name and address of the facility to the department, and would provide that the failure to report is a misdemeanor, thereby imposing a state-mandated local program by creating a new crime. It would require a placement agency to notify the department of any known or suspected incidents which would jeopardize the health or safety of residents in a facility, and would specify certain reportable incidents.

The bill would authorize the department to suspend or revoke any license issued upon certain grounds and in a prescribed manner.

The bill would require the department to assess a civil penalty against a person operating, establishing, managing, conducting, or maintaining a facility without a license in the amount of $100 per resident for each day of the violation. The penalty would be $200 per resident if an unlicensed facility is operated and the operator refuses to seek licensure or the operator seeks licensure and the application is denied and the operator continues to operate the unlicensed facility

The bill would subject any facility cited for repeating a violation of residential care facility licensing and regulatory provisons to an immediate civil penalty, as specified.

The bill would prohibit the department, the State Fire Marshal, or local fire officials from making a de facto determination of a resident's ambulatory or nonambulatory status based on a resident's placement in the facility.

The bill would provide that it shall not preempt the application of any local zoning requirements to a residential care facility, except as specified.

The bill would require the department, prior to the licensure of any person to operate or manage a facility, who has not been previously licensed to manage or operate a facility, to request from an appropriate law enforcement agency certain information

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relating to convictions, and would require the application to be denied if it is found that the applicant or other specified persons have been convicted of certain offenses, except as specified. In addition, fingerprints would be required to be obtained by, and a declaration under penalty of perjury regarding prior criminal conviction be signed by other specified persons with access to the facility. The requirement regarding a declaration under penalty of perjury would impose a state-mandated local program by adding a crime. The bill would require a facility to take certain actions if specified convictions are discovered.

The bill would require the department to adopt any regulations required to be adopted by the bill as emergency regulations on or before March 31, 1991.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1334 (AB 3492) Roos. Substandard property· receivership.

Existing law permits state and local enforcement agencies to prosecute violations of the State Housing Law and local ordinances enacted pursuant thereto. Existing law permits the enforcement agency to seek specified remedies against a building owner who has failed to comply with an order or notice of a court requiring the correction of the conditions constituting the violations.

This bill would permit those enforcement agencies, any tenant of the substandard building, or any tenant association or organization to seek a court order enjoining the owner of the substandard building from maintaining it in violation of certain building and fire safety laws, and would permit the court to order the appointment of a receiver to repair the conditions constituting the violation of those certain building and fire safety laws and ordinances if the owner does not correct those conditions within the period of time specified in the notice of violation. Since violation of these provisions would constitute a misdemeanor, the bill would impose a state-mandated local program. Moreover, since the county recorder of the county in which the substandard building is located would have to undertake additional duties in regard to the notice of violation filed by the state or local enforcement agency, the bill would impose an additional state-mandated local program.

The bill would also permit a receiver appointed by the court to undertake specified actions to correct the conditions cited in the notice of violation, including borrowing funds secured by the property, and the collection of rents, to finance the necessary repairs and to pay any relocation benefits to certain tenants of the substandard building.

The bill would authorize a county recorder to charge fees for the county recorder's costs under the bill.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement for certain costs is required by this act for a specified reason.

Ch. 1335 (AB 3594) Speier. Real estate

Existing law specifies the grounds for the revocation or suspension of a real estate license.

This bill would make it grounds for the revocation or suspension of a license for a real estate licensee acting as an agent for the buyer to fail to disclose his or her direct or indirect ownership interest in any property, as specified, to the buyer. The bill would also state legislative intent.

Ch. 1336 (AB 3600) Polanco. Residential automatic garage door openers: automatic reversing safety device: standards

(1) Existing law requires the Department of Housing and Community Development to adopt regulations specifying certain safety requirements for buildings used for human

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habitation, including, but not limited to, safety standards for garage door springs.

Existing law requires local agencies and the department to enforce these building standards.

This bill would establish, as of January 1, 1991, other standards setting automatic reverse safety device requirements for residential automatic garage door openers. This bill would prohibit, on and after January 1, 1991, the manufacture, purchase, sale, offer for sale, or installation of noncomplying openers.

This bill would prohibit, on and after January 1, 1991, the manufacture, distribution, sale, or offer for sale of openers which are not identified, as specified.

This bill would require that on and after January 1, 1991, any manufacturer, distributor, wholesaler, or retailer selling or offering for sale a residential automatic garage door opener include a complete set of installation, operation, maintenance, and testing instructions with each opener, as specified, that on and after January 1, 1993, any person servicing or repairing the opener comply with these instructions and, if the opener fails a prescribed test, complete and affix a certificate to the opener, as specified.

This bill would prohibit, on and after January 1, 1993, any person, corporation, or entity from manufacturing, purchasing, selling, offering for sale at retail or wholesale, or installing in this state any residential automatic garage door opener unless it requires the inclusion of a tactile garage door edge sensor, an optical sensor, or similar device that, when activated, is designed to cause a closing door to open and prevent an open door from closing and would require the device to be designed to operate as specified.

This bill would also authorize court proceedings to be initiated by local building departments, affected consumers, or the district attorney, and would provide for the assessment of civil penalties for violation of these provisions to be payable to the local agency initiating the proceedings in order to offset the costs to the local agency related to the court proceeding or payable to the affected consumer initiating the proceedings.

(2) Existing law requires specified written disclosures to be made to certain prospective transferees of real property, including whether the real property has a garage door opener.

This bill would require, on and after July 1, 1991, the seller to notify the buyer that the opener may not be in compliance with the safety standards relating to automatic reversing devices, as prescribed by the bill.

Ch. 1337 (AB 3620) O'Connell. Designated Driver Program: information.

The Department of the California Highway Patrol currently operates a Designated Driver Program.

This bill would require the Department of the California Highway Patrol to prepare a one-page information sheet describing the Designated Driver Program, including information concerning the person or entity an alcoholic beverage licensee may contact for assistance in establishing a Designated Driver Program. The bill would require the Department of Alcoholic Beverage Control to send a copy of the information sheet to all on-sale licensees with the annual renewal notice.

The bill would also require the Department of Alcoholic Beverage Control to collect a surcharge of $5 from licensees, in addition to the annual fees, thereby imposing a state tax for the purpose of Article XIII A of the California Constitution. All money collected from the surcharge would be deposited in the Motor Vehicle Account in the State Transportation Fund and used for the Department of the California Highway Patrol's Designated Driver Program, when appropriated to the Department of the California Highway Patrol for that purpose.

Ch. 1338 (AB 3624) Wright. Department of Transportation: highway worker safety: study.

Under existing law, the Department of Transportation is responsible for improving and maintaining the state highways.

This bill would require the department to conduct a safety study regarding highway construction, engineering, surveying, and maintenance workers, and workers under contract with the department, including specified matters, and to report to the Legislature by July 1, 1991, on its findings and recommendations, including a schedule for the

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implementation of those recommendations.

Ch. 1339 (AB 4333) Quackenbush. State proprietary lands: index.

(1) Existing law requires the Department of General Services to maintain a complete and accurate statewide inventory of all real property held by the state and to categorize that inventory by agency and geographical location. Other existing laws require the department to prepare and maintain an adequate index or record of deeds or other evidence of title to all proprietary lands owned or acquired by the state, including a requirement that this index or record be verified by affected state agencies every 5 years.

This bill would repeal the requirements relating to the department maintaining an index or record of deeds or other evidence of title to state proprietary lands.

(2) The bill would appropriate $22,225,000 to the Department of General Services from the Earthquake Safety and Public Buildings Rehabilitation Bond Act of 1990 for expenditure pursuant to a specified schedule.

(3) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1340 (SB 1643) Hart. Schools: Instructional Materials Program.

Under existing law, the Legislature is required to conduct a comprehensive review of certain educational programs. These programs, as presently maintained, cease to be operative on various specified dates, unless the Legislature enacts legislation providing otherwise. If the Legislature does not enact that legislation, funding for the general purpose of the program may continue after the termination date, but relevant statutes and regulations are not operative. Under current law, the provisions governing the Instructional Materials Program will cease to be operative on June 30, 1991.

This bill would establish a new inoperative date of June 30, 1996, for the Instructional Materials Program.

This bill also would require the State Department of Education and the Legislative Analyst to review and report upon the program, as specified. The bill would require the State Department of Education to submit its report to the appropriate policy and fiscal committees of the Legislature on or before June 30, 1995, and would require the Legislative Analyst to submit his or her report to the appropriate policy and fiscal committees of the Legislature within 90 days after receiving the State Department of Education report.

Ch. 1341 (SB 2407) Watson. Mental health funding.

(1) Existing law provides for various components of the total resource base of a county for the purposes of serving its mentally ill population, generally subject to the limitations of the appropriation from which the resource base is derived.

This bill would add a provision authorizing each county to determine how its total resource base for the 1990–91 fiscal year shall be distributed between specified items of the Budget Act of 1990, to serve its mentally ill population, including the redirection of resources from its state hospital bed allocation to its local program allocation, based on a plan containing specified information, and would authorize small counties to elect to be exempted from that provision. This redistribution of funds would constitute an appropriation.

This bill would require the State Department of Mental Health to determine the cost of state hospital beds, based on the county plans submitted, and other specified factors. It would also require the department to develop a range of cost amounts for state hospital beds within 30 days of the effective date of the bill.

(2) Existing provisions of the Budget Act of 1990, Chapter 467 of the Statutes of 1990, appropriate $366,297,000 to the State Department of Mental Health for support of the state hospitals, subject to certain provisions.

The bill would also require the Controller to transfer funds appropriated by the Budget Act of 1990 for support of state hospitals to permit implementation of county contracts.

By authorizing the transfer and change of use of those funds, the bill would result in an appropriation.

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The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1342 (SB 2501) Presley. Crimes: victims and witnesses.

Existing law provides for the domestic violence victim-counselor privilege, whereby the victim of domestic violence has a privilege to refuse to disclose, and to prevent another from disclosing, a confidential communication between the victim and a domestic violence counselor except as specified, and the privilege may also be claimed by the domestic violence counselor under specified circumstances. Existing law provides a similar privilege with respect to communications between a sexual assault victim and a sexual assault victim counselor.

This bill would include within the definitions of domestic violence counselor and sexual assault victim counselor a person, employed by any specified organization for the purpose of counseling and assisting victims of domestic violence or sexual assault victims, who meets specified education and training requirements.

Because the California Constitution requires that statutes which have the effect of excluding relevant evidence concerning criminal offenses in criminal and juvenile proceedings shall be enacted by a ⅔ vote of the membership of each house of the Legislature, this bill would require a ⅔ vote.

This bill also would provide, with limited exceptions, that any person who, without the consent of the victim of a sexual assault or domestic violence, as specified, willfully obtains or, except as specified, knowingly discloses any privileged information obtained from a confidential communication between the victim and a counselor, as specified, is guilty of a misdemeanor. The bill would also provide that these provisions shall be repealed as of January 1, 1994. Because the bill would create a new crime, it would impose a state-mandated local program.

Existing law provides for the selection and funding of nonprofit agencies as victim and witness assistance centers by the Office of Criminal Justice Planning, as specified.

This bill would add to the factors to be considered in selecting those agencies, the capability of the agency to provide confidentiality of records.

Existing law also provides that any local unit of government, community-based organization, or any other public or private nonprofit entity funded by the Office of Criminal Justice Planning as a victim-witness or sexual assault program to provide services to victims of crime shall adhere to the training and selection standards established by the office.

This bill would add confidentiality to the minimum training and selection standards specified in existing law.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1343 (SB 2622) Maddy. Health care: hospices: licensure.

(1) Existing law provides for the licensure and regulation of special hospitals: hospices by the State Department of Health Services pursuant to a 4-year pilot project. However, existing law does not provide for the licensure of hospices.

This bill would provide for the licensure of hospices, as defined, by the department. It would prohibit any person, political subdivision of the state, or governmental agency from establishing or operating a hospice unless a license has been obtained, except that it would allow a person, political subdivision of the state, or governmental agency which was operating a hospice as of January 1, 1991, to continue to operate a hospice, as specified. The bill also would allow organizations which satisfy specified criteria to use the title "volunteer hospice." The bill also would provide that a small and rural hospice, as defined, is exempt from the licensing provisions and certain disclosure requirements. The bill would permit a small and rural hospice to provide skilled nursing services and to use the title "volunteer hospice."

This bill would specify the criteria for an applicant to qualify for licensure as a hospice, including being of good moral character. The bill also would require a hospice to provide

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skilled nursing services, social services/counseling services, medical direction, bereavement services, volunteer services, and inpatient care arrangements, as defined.

The bill would provide that the Legislature recognizes that hospices can apply for certification for their hospice program from the federal Medicare program. It would prohibit the department, if it has determined during any combined licensing and certification survey that the hospice is in substantial compliance with a requirement, from being redundant by also reviewing similar licensing or certification requirements.

The bill would require the payment of license application fees and biennial license fees in an amount established by the department, as specified.

This bill would authorize the department to inspect a hospice, as specified, and require the department to adopt, amend, or repeal reasonable rules and regulations as may be necessary or proper to carry out the intent of the hospice licensing provisions and to enable the department to exercise the powers and perform the duties conferred upon it by those provisions, as specified. The bill also would authorize the department to deny, cancel, suspend, or revoke a license to operate a hospice as well as reinstate a license that has been canceled, suspended, or revoked, as specified. Furthermore, this bill would authorize the State Director of Health Services to bring an action to enjoin the operation of a hospice without a license or the threatened operation of a hospice without a license, as specified.

This bill would provide that any person who violates any provision of the hospice licensing law or any rule or regulation promulgated under that law is guilty of a misdemeanor, punishable as specified, thereby imposing a state-mandated local program by adding a new crime.

It would require the district attorney of every county, upon application of the department, to institute and conduct the prosecution of any action in the applicable county for violation of the provisions of the bill, thereby imposing a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that for certain costs no reimbursement is required by this act for a specified reason.

However, the bill would provide that, if the Commission on State Mandates determines that this bill contains other costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be payable from the State Mandates Claims Fund.

Ch. 1344 (SB 1895) Seymour. Criminal law: juvenile sex offenders. [30]

Existing law, known as the Juvenile Sex Offender Treatment Act of 1985, requires the Office of Criminal Justice Planning to select at least 3 counties from among those counties applying therefor in which to establish 4-year pilot programs to provide treatment, as specified, for juveniles adjudged to be wards of the juvenile court on the basis of the commission of certain sexual offenses and who were not committed to the Department of the Youth Authority. The operation of these pilot programs will terminate on July 1, 1990.

This bill would recast existing law to retitle that law as the Juvenile Sex Offender Treatment Act and require the Office of Criminal Justice Planning to select eligible counties from among those counties applying therefor in which to establish a program to provide financial and technical assistance to county designated treatment programs for juveniles adjudged to be wards of the juvenile court on the basis of the commission of certain sexual offenses and who were not committed to the Department of the Youth Authority. The operation of these programs would terminate July 1, 1992.

This bill would appropriate $500,000 to the Office of Criminal Justice Planning for expenditure during the 1990–91 fiscal year for the purposes of this bill, with no more than 10% of that amount to be expended for administrative purposes.

This bill would declare that it is to take effect immediately as an urgency statute.

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Ch. 1345 (SB 2038) Bergeson. California Special Supplemental Food Program for Women, Infants, and Children. [31]

Existing law makes provisions for various programs relating to the health of women and babies. Among other things, existing law authorizes the State Department of Health Services to conduct a statewide program for providing nutritional food supplements to low-income pregnant, postpartum, and lactating women, and low-income infants and children under 5 years of age, who have been determined to be at a nutritional risk by a health professional based upon criteria established by the department. Existing law also requires that if the program is established, it must comply with prescribed requirements.

This bill would require the department to develop and coordinate a smoking cessation component for the program, as prescribed. The bill would appropriate $1,000,000 from the Unallocated Account of the Cigarette and Tobacco Products Surtax Fund to the department, without regard to fiscal years, for the purpose of providing tobacco use screening and education, and smoking cessation counseling and referrals to program participants, and would express the intent of the Legislature that the department continue spending the full federal allocation for the California Special Supplemental Food Program for Women, Infants, and Children.

This bill would declare that it is to take effect immediately as an urgency statute

Ch. 1346 (SB 2147) Petris. Community service pilot projects. [32]

Existing law does not establish pilot projects in community service in grades 9 to 12, inclusive.

This bill would authorize any school district that maintains any of grades 9 to 12, inclusive, to apply to the Superintendent of Public Instruction to establish a pilot project in community service in its schools. The superintendent would be required to select 10 schools that would establish the pilot projects, which would be required to meet specified objectives.

This bill would authorize pupils to receive course credit for their participation in the community service activities. This bill would provide that participation in the activities is required for graduation from a school which maintains a pilot project.

The bill would repeal the above provisions as of January 1, 1994.

The bill would also require the superintendent to submit a report to the Legislature by October 1, 1994, on the success, as defined, of the pilot project.

The bill would appropriate $145,000 to the Superintendent of Public Instruction for allocation to districts whose school or schools establish a pilot project pursuant to this bill.

Ch 1347 (SB 2208) Morgan. Personal income taxes: bank and corporation taxes: credits: qualified parent: dependent care: child care.

The existing Personal Income Tax Law provides for various credits against the tax and allows, until January 1, 1993, a credit against net tax in an amount equal to 30% of the allowable federal dependent care credit, regardless of whether there is a federal tax liability.

This bill would allow a credit against the net tax based on a specified percentage, instead of the 30% of the allowable federal dependent care credit and would further provide a credit of $1,000, until January 1, 1994, for a qualified parent, as defined. It would require that the amount of the credit established by the bill be reduced by $200 for each $1,000 of income in excess of a certain adjusted gross income of a qualified parent. It would also make a clarifying change to the Bank and Corporation Tax Law.

This bill would take effect immediately as a tax levy.

Ch. 1348 (SB 2252) Boatwright. Personal income taxes. bank and corporation taxes.

Under the existing Personal Income Tax Law and under the existing Bank and Corporation Tax Law, it is a misdemeanor for the Franchise Tax Board and others to disclose any returns, reports, or documents required under those laws, except as specifically provided by those laws. Those laws permit disclosure to the Attorney General and other legal representatives of the state in matters involving or related to tax administration,

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under specified conditions.

This bill would delete the provision expressly permitting disclosure to the Attorney General and other legal representatives of the state in matters which relate to tax administration. It would also delete the provision expressly permitting disclosure in a judicial or administrative proceeding related to tax administration.

The existing Bank and Corporation Tax Law provides that for calendar or fiscal years ending in 1980, specified corporations shall annually pay to the state a franchise or income tax, as applicable, computed at the rate of 9.6%. That law provides that for calendar or fiscal years ending in 1981 to 1986, inclusive, the rate of tax shall be determined based upon specified net cash collections under that law, as determined by the Controller. The rate for those years was ultimately set at 9.6%

This bill would make other technical changes, including a nonsubstantive technical change to the Bank and Corporation Tax Law which would delete moot provisions and provide that the aforementioned rate of tax for calendar or fiscal years ending in 1980 to 1986, inclusive, shall be 9.6%.

The existing Personal Income Tax Law and the existing Bank and Corporation Tax Law provide for various penalties and for the payment of interest on those penalties. It would also make various supplemental changes to both laws with respect to specified amounts due under those laws.

This bill would make various technical changes to those laws with respect to penalties and interest on penalties.

The existing Personal Income Tax Law and the Bank and Corporation Tax Law provide the Franchise Tax Board with the power to demand specified information from entities, including financial institutions.

This bill would require that any demand for information by the board to a financial institution comply with the California Right to Financial Privacy Act.

This bill would make specified technical, clarifying, and supplemental changes to the Personal Income Tax Law or the Bank and Corporation Tax Law, or both, relating to, among other things, credits against tax, filing status, treatment of individuals in bankruptcy, ridesharing credit, joint custody head of household credit, standard deduction, exempt-interest dividends, short period return, guaranteed payments to partners, voluntary contributions, estimated tax, minimum tax, "S" corporations, designated settlement funds, and stock in certain foreign corporations.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1349 (SB 1925) Garamendi. Income taxes: bank and corporation taxes.

The existing Personal Income Tax Law and Bank and Corporation Tax Law impose taxes as specified.

This bill would make technical and clarifying changes under either or both laws to provisions relating to the low-income housing credit, solar energy credit, child care credit, employer's credit for health care contributions, installment obligations, tax rates for preference income, accounting periods and methods, credit for taxes paid to another state, sales of low-income housing, extensions of time for persons outside of the United States, contributions to the Vietnam Veterans Memorial Account, reporting of specified payments, prepayment of minimum tax, depreciation and amortization, qualified conservation expenditures, limitations on contributions by corporations, dividends, real estate investment trusts, capital expenditures, payments on life insurance contracts, reorganizations, passive activity losses, and REMICs. It would provide under the Bank and Corporation Tax Law that sound recordings may be treated in the year placed in service as recovery property, as specified, if a specified election is made, and that specified provisions of the Internal Revenue Code, relating to gain from certain sales or exchange of stock in certain foreign corporations, shall not apply to specified transactions for specified income years.

This bill would incorporate additional changes to Sections 17052.5 and 23601.5 of the Revenue and Taxation Code proposed by SB 86 if both bills are chaptered and this bill is chaptered last.

This bill would incorporate additional changes to Section 17052.6 of the Revenue and Taxation Code proposed by SB 2208 if both bills are chaptered and this bill is chaptered

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last.

This bill would incorporate additional changes to Section 18515.2 of the Revenue and Taxation Code proposed by AB 3628 if both bills are chaptered and this bill is chaptered last.

This bill would take effect immediately as a tax levy.

Ch. 1350 (SB 2268) Bergeson. Redevelopment: agency activities.

Under the existing Community Redevelopment Law, redevelopment agencies are required to present an annual report to its legislative body within 6 months of the end of the agency's fiscal year which is required to contain, until January 1, 1991, detailed information regarding the types of households, by income level, which were displaced or whose units were destroyed as part of a redevelopment project of the agency.

This bill would impose a state-mandated local program by deleting that date of repeal.

Under existing law, not less than 20% of all tax increment revenues which are allocated to a redevelopment agency are required to be used by the agency for the purposes of increasing, improving, and preserving the community's supply of low- and moderate-income housing available at affordable housing cost to persons and families of specified income levels unless the agency makes certain annual findings, including a finding that the community is making a substantial effort to meet its existing and projected needs, including its share of the regional housing needs, as prescribed, and that this effort is equivalent to the funds otherwise required to be set aside

This bill would specify factors which an agency is required to consider in determining whether the substantial effort is equivalent in impact to the funds otherwise required to be set aside.

Existing law permits an agency, for purposes of increasing, improving, and preserving the community's supply of low- and moderate-income housing available at affordable housing cost to persons and families of specified income levels, to use moneys in its Low and Moderate Income Housing Fund to, among other things, acquire land or building sites.

This bill would impose a state-mandated local program by requiring an agency, for each interest in real property acquired with moneys from its Low and Moderate Income Housing Fund, to initiate activities within 5 years from the date of acquisition consistent with the development of the property for housing affordable to persons and families of low and moderate income. The bill would allow the agency's legislative body, by resolution, to extend this time one additional period, not to exceed 5 years. The bill would require any property interest for which these activities are not initiated within the specified time period to be sold and would require the proceeds to be deposited in the agency's Low and Moderate Income Housing Fund.

Existing law states the intent of the Legislature that the Low and Moderate Income Housing Fund be used to the maximum extent possible to defray the costs of production, improvement, and preservation of low- and moderate-income housing and that the amount of money spent for planning and general administrative activities associated with the development, improvement, and preservation of that housing not be disproportionate to the amount actually spent for the costs of production, improvement, or preservation of that housing.

This bill would require the agency to determine annually that the planning and administrative costs are necessary for the production, improvement, or preservation of low- and moderate-income housing and would specify the planning and general administrative costs which may be paid with moneys from the Low and Moderate Income Housing Fund.

Existing law requires the amount of excess surplus in an agency's Low and Moderate Income Housing Fund which is transferred to a housing authority because of failure of the agency to expend or encumber the excess surplus to be the amount of the excess surplus that is not expended or encumbered.

This bill would impose a state-mandated local program by requiring the housing authority or other public agency to which moneys are transferred for authorized purposes, to be expended or encumbered by the housing authority or other public agency within 3 years from the date they were transferred from that fund.

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Under existing law, the Department of Finance is required to calculate, as specified, the amount of special supplemental subventions all redevelopment agencies would otherwise be entitled to receive in the 1990–91 fiscal year and requires the Controller to allocate that amount, reduced pursuant to that calculation, to those agencies. Existing law exempts, from these provisions, any redevelopment agency which has pledged, in its bond instruments, those subventions as security for payment of the principal and interest of those bonds, as specified.

This bill would expressly include within that exemption the Cities of Compton, Chula Vista, and South Gate.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1351 (SB 2429) Mello. Adult day health care: rural alternative adult day health care.

(1) Under existing law, the State Department of Health Services administers the California Adult Day Health Care Act, which provides for the establishment and licensing of adult day health centers to provide outpatient health, rehabilitative, and social services, as specified.

This bill would express legislative intent to establish a rural alternative adult day health care program to meet the special needs and requirements of rural areas for services under the California Adult Day Health Care Act.

(2) Under existing law, the Adult Day Health Medi-Cal Law establishes an adult day health care program for older persons eligible for Medi-Cal benefits. Under existing law, before an individual is accepted into the program, a multidisciplinary health team, which includes a social worker, registered nurse, physician, occupational therapist, and physical therapist, conducts an assessment of the individual. Existing law requires adult day health centers to offer, among other things, rehabilitation services, nursing services, and nutrition services, as specified.

This bill would authorize dietary counseling and nutrition education to be provided by a professional registered nurse. This bill would also authorize the Department of Aging to authorize program flexibility, as specified, for an adult day health center.

This bill would authorize medical services under the program to be provided by nurse practitioners operating within the existing scope of practice or under standardized procedures, as specified.

This bill would delete the requirement that the multidisciplinary team include an occupational therapist and a physical therapist, except, that for the initial assessment, the team would be required to include a physical therapist and an occupational therapist. The bill would also require additional consultants, as specified, to serve on the team, if the need is identified by a nurse or physician. The bill would require acute rehabilitative treatment to be provided, as specified, by a physical or occupational therapist if the initial assessment shows the need, and otherwise the multidisciplinary team would be required to develop an individual maintenance program, as defined.

This bill would authorize an adult day health care provider to use shared space, as defined, with another licensed health facility, community care facility, senior center, or other appropriate structure when the Department of Aging approves, based upon a determination that specified conditions are met.

(3) Existing law requires the State Department of Health Services, in consultation with the Association of Adult Day Services, to develop a rate methodology for the reimbursement of adult day health centers, which examines certain factors.

This bill would delete the reference to certain factors to be examined in the me-

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thodology, as well as obsolete provisions referring to the development of the methodology.

(4) This bill would require a rural alternative adult day health care center, as defined, to operate its programs a minimum of 3 days per week in rural service areas, as defined.

(5) This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1352 (AB 2912) Eaves. Vehicles and vessels: registration.

(1) Under existing law, every vehicle operated, moved, or left standing on a highway, every vessel used on the waters of this state, and every off-highway motor vehicle operated, used, or transported on public or private property, as specified, is required to be issued registration or identification, as appropriate, by the Department of Motor Vehicles, and unpaid fees and penalties apply for failure to secure or renew registration or identification unless not so used and a certificate of nonoperation covering the period of nonuse is submitted with the application for registration or identification.

This bill would delete the provisions relating to the certificate of nonoperation and would instead require that, if the registered owner of a vehicle intends not to use it during the ensuing registration year or identification period, a certification of nonoperation be filed, with a $5 fee, declaring the owner's intention not to use the vehicle in lieu of renewal of the registration or identification.

The bill would require the filing of a new certification of nonoperation, and an additional fee, for each subsequent registration year or identification period the vehicle is not so used. The vehicle could, anytime during the period covered by the certification of nonoperation, be registered or identified without penalty. The bill would provide that a certification of nonoperation is not required for a vehicle on which the registration expires while in a dealer's inventory and for a vehicle subject to proportionate registration and licensing, as specified.

The bill would increase the delinquency penalties from 20% of the registration and license fees, and weight fees if applicable, to 40% for one year or less, from 40% to 80% for more than one year to and including 2 years, and from 80% to 160% for more than 2 years.

The bill would permit the owner of a vehicle for which the registration expired on or before July 1, 1990, and the owner of a vessel for which the certificate of number expired on or before December 31, 1990, to submit a certificate of nonoperation in lieu of fees or penalties for any period of nonoperation prior to the 1st annual renewal date after July 1, 1990, in the case of a vehicle, or prior to January 1, 1991, in the case of a vessel.

The bill would delete a provision permitting the refund of vehicle registration fees which have been paid for a vehicle, except as specified, which is not in fact operated on the highways during the registration year for which the fees were paid.

The bill would make the provisions relating to vehicles operated on the highways and to vessels operative on July 1, 1990, and would make the provisions relating to off-highway vehicles operative on June 30, 1990.

Since, under other provisions, a violation of these registration, identification, and nonoperation requirements would be a crime, the bill would impose a state-mandated local program.

(2) Existing law does not specifically provide a means for the public to report vehicle registration violations.

This bill would require the department to implement, on a demonstration basis within Los Angeles County, a toll-free telephone number available for public use in reporting vehicle registration violations, and to report to the Legislature thereon, with its recommendations, by July 1, 1991.

(3) The bill would appropriate $8,265,000 from the Motor Vehicle Account in the State Transportation Fund to the department for specified costs incurred by the department under the bill.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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(5) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1353 (AB 2952) Sher. Prisoners.

Existing law provides that when certain county prisoners require medical treatment necessitating hospitalization that cannot be provided at the county jail or hospital because of lack of adequate detention facilities, the judge of the superior court may, following specified procedures, designate a state prison or facility that can provide the medical treatment and adequate security. Compensation for the confinement and medical treatment is charged to the county of origin.

This bill would require the superior court ordering medical treatment and confinement of the prisoner in a state facility to calendar and hold a hearing on whether the order shall continue or be rescinded. This bill would also provide that the prisoner shall not be transferred to the prison or correctional facility prior to the hearing, except upon the determination by his or her prison physician that a medical emergency exists which requires the transfer. This bill would also provide that the prisoner has the right to be present and represented by counsel at the hearing. However, the prisoner may waive his or her right to the hearing. If the prisoner does waive this right, this bill further requires the county sheriff to notify the prisoner's attorney of the transfer within 48 hours, or the next business day, whichever is later.

This bill would impose a state-mandated local program by requiring the county sheriff to notify the prisoner's attorney.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would contain a legislative declaration that this act mandates a new program or higher level of service on local government and would require that reimbursement be made to local agencies and school districts pursuant to statutory procedures, if the statewide cost does not exceed $1,000,000.

This bill would become operative on July 1, 1991, pursuant to Section 17580 of the Government Code.

Ch. 1354 (AB 2999) Polanco. Vehicles: violations: traffic violator schools: study.

(1) Under existing law, the court may, in lieu of adjudicating a traffic offense, and with the defendant's consent, or after conviction, order the defendant to attend traffic violator school

This bill would authorize the court to order a defendant designated to attend traffic violator school to instead participate in a specified study of traffic violator schools, which participation would constitute attending a court-supervised program of traffic safety instruction, as specified.

A person who violates this provision would be guilty of a misdemeanor; thus, the bill would impose a state-mandated local program by creating a new crime.

(2) The bill would also require the Department of Motor Vehicles to contract with a motor club, as specified, for the conduct of a study, as described, which would be accomplished at the expense of the motor club, if it agrees to those expenses in advance. The bill would create the Traffic Violator School Study Committee, composed as specified, to recommend to the department the methodology for the conduct of the study, which the bill would require the department to adopt by July 1, 1991, and would provide for other related matters. The bill would require the department to transmit a copy of the study to the Legislature by January 1, 1994.

The bill would delete these provisions on January 1, 1994.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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Ch. 1355 (AB 3992) Sher. Solid waste.

(1) Existing law, the California Integrated Waste Management Act of 1989, regulates the management of solid waste and requires counties to prepare and submit a countywide integrated waste management plan, which includes a city and county source reduction and recycling element, a countywide siting element, and other specified information.

This bill would require the California Integrated Waste Management Board to deposit all revenues received by the board in the Integrated Waste Management Fund. The bill would provide that the act does not abrogate any contract, license, or permit to collect solid waste previously granted or extended by a city, county, or city and county. The bill would revise the definition of solid waste facility to include composting transformation, and disposal facilities. The bill would apply various enforcement provisions of the act to the construction, or the proposed construction, of specified facilities or sites which is in violation of a solid waste facilities permit or the act, or both. These provisions would impose a state-mandated local program by imposing additional requirements on local agencies.

The bill would exclude low-level radioactive waste subject to specified regulation from the definition of solid waste for purposes of the act, except low-level radioactive waste disposed of at a solid waste facility. The bill would provide that the board and the enforcement agencies have no authority for facilities which accept only hazardous waste or low-level radioactive waste, or both, subject to specified regulation. The bill would require a low-level radioactive waste facilities permit or a hazardous waste facilities permit, as applicable, for facilities which accept only low-level radioactive wastes or only hazardous wastes and low-level radioactive wastes, and would specify that a solid waste facilities permit is not required for those facilities.

(2) Existing law prohibits a board member from deriving any earned income, except as specified, from specified sources

This bill would instead prohibit a board member from deriving any income from those specified sources.

(3) Existing law requires each county to convene a task force, as specified, to assist in coordinating the development of city source reduction and recycling elements and to prepare the countywide siting element. Existing law provides for the means by which the members of the task force are selected.

This bill would instead require the county to convene the task force to assist in coordinating the development of city and county source reduction and recycling elements and to assist in the preparation of the countywide siting element. The bill would revise the means by which the members of the task force are selected and would revise the duties of the task force

(4) Existing law requires the city or county to divert 25% of all solid waste from landfill or transformation facilities by January 1, 1995, and, except as specified, 50% by January 1, 2000, through source reduction, recycling, and composting activities. For purposes of determining the base amount of solid waste, "solid waste" includes specified materials in the waste stream generated within a local agency's jurisdiction. The board is authorized to provide an exemption from, or reduction in, the diversion requirements if specified conditions are met.

This bill would revise the materials in the waste stream to be included in the definition of "solid waste" for purposes of that calculation and would revise the method of determining the amount of solid waste from which the required reductions are measured. The bill would revise the bases upon which the board is authorized to provide that exemption from, or reduction in, the diversion requirements.

(5) Existing law requires the board to adopt and revise minimum standards for solid waste handling and disposal for the protection of air, water, and land from pollution, as prescribed.

This bill would, in addition, require the board to adopt and revise regulations which set forth standards for the transfer, composting, and transformation of solid waste for those purposes.

(6) Existing law prohibits an enforcement agency from issuing or revising a permit

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for a solid waste disposal facility or a solid waste incineration facility until the board has reached a specified conclusion.

This bill would instead prohibit an enforcement agency from issuing or revising a permit for a solid waste facility that exclusively uses transformation until the board has reached the specified conclusion, thereby imposing a state-mandated local program by imposing additional requirements on local agencies.

(7) Existing law requires the solid waste facility operator to file an application to revise its solid waste facilities permit if the operator seeks to modify the operation of that solid waste facility. Existing law requires that the application be filed at least 120 days in advance of the proposed modification, unless the requirement is otherwise waived by the enforcement agency.

This bill would require the solid waste facility operator to file an application to revise its solid waste facilities permit if the operator seeks to modify the design of that solid waste facility and would require that the application be filed within the specified time period, unless the requirement is otherwise waived by the board.

(8) Existing law requires the board to file a biennial report with the Legislature, on or before January 1, 1991, which summarizes progress achieved by the board in implementing programs established relating to solid waste.

This bill would require the board to file that report by March 31, 1991, and each March 31 of each odd-numbered year thereafter.

(9) Existing law requires the county and city source reduction and recycling elements of a countywide integrated waste management plan to each have a solid waste facility capacity component. Existing law also requires the county source reduction and recycling element to include an education and public information component, a source reduction component, a recycling component, and a composting component. Existing law requires the county education and public information component to describe to the board how the county will educate and inform its citizens about the recycling and composting programs.

This bill would, in addition, require the county education and public information component of the county source reduction and recycling element to describe how the county will educate and inform its citizens about the source reduction program.

(10) Existing law prohibits any designated local enforcement agency from exercising the powers and duties of an enforcement agency until the agency is approved by the board. The board is prohibited from approving a designation unless it finds that the designated enforcement agency meets specified conditions.

This bill would, instead, prohibit the board, after August 1, 1992, from approving a designation unless the designated enforcement agency meets those specified conditions.

(11) Existing law provides for the method of designating the enforcement agency for purposes of the act.

This bill would provide for the method of designating the enforcement agency for counties which have only 2 cities and for unincorporated areas of a county.

(12) Existing law authorizes the board to impose administrative civil penalties if the board finds, after a public hearing and issuing a specified order, that the county or city and county has failed to implement its element.

This bill would authorize the board to impose administrative civil penalties if the board finds that the county or city and county has failed to implement its source reduction and recycling element or household hazardous waste element and would authorize the board to make specified considerations in determining the amount of any penalties imposed pursuant to these provisions. The provision concerning the household hazardous waste element would become operative only if both this bill and AB 2707 are enacted, as prescribed.

(13) Existing law authorizes the board, under specified circumstances, to require the owner or operator of a solid waste landfill to take corrective action or to prepare and implement a closure and postclosure maintenance plan.

This bill would authorize the board to take either or both of these actions with respect to the solid waste landfill.

(14) Existing law authorizes the board to make loan guarantees to the owner and

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operator of a solid waste landfill to implement a corrective action. Applicants for loan guarantees are required to submit a specified nonrefundable application fee.

This bill would, instead, require the submission of a nonrefundable application fee in an amount determined by the board.

(15) The bill would make additional technical corrections.

(16) The bill would incorporate changes to Section 43308 of the Public Resources Code, proposed by AB 1641, which would become operative only if both bills are enacted.

(17) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(18) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1356 (AB 4076) Johnston. Insurance.

Existing law provides for the establishment of the California Insurance Guarantee Association to pay covered claims of member insurers who become insolvent. That association is composed of insurers of various classes, but does not include life insurance.

This bill would provide for the establishment of the California Life Insurance Guarantee Association to provide coverage for insurers unable to pay claims under life insurance. Those life insurers would be required to organize the association, subject to the approval and supervision of the Insurance Commissioner.

The bill would specify the duties of the association, and would specify the instances and procedures for the payment of claims.

Ch. 1357 (AB 4156) N. Waters. Mobilehome parks.

Existing law, the Mobilehome Residency Law, provides for the eviction of mobilehome parks tenants, as specified.

This bill would revise the procedure for the eviction of mobilehome park tenants by changing various notice requirements; requiring certain notices to be sent to the legal owner, each junior lienholder, and the registered owner if other than the homeowner, as well as to the homeowner; requiring the legal owner and each junior lienholder to notify the management in writing following the notification; and setting certain prerequisites to the exercise of their right to sell the mobilehome within the park, as specified. The bill would also authorize the management of the mobilehome park to remove a mobilehome from the premises and place it in storage, under specified circumstances, in which case the management would have a lien against the mobilehome for the costs of dismantling, moving, and storing the mobilehome which could be enforced by lien sale, as specified

This bill would incorporate additional changes in Section 798.56 of the Civil Code, proposed by AB 1209, to be operative only if AB 1209 and this bill are both chaptered and become effective January 1, 1991, and this bill is chaptered last.

Ch. 1358 (AB 4261) Hansen. Drivers' licenses. class C and class 3: 5th-wheel travel trailers, trailer coaches, and housecars.

Under existing law, the holder of a class C or class 3 driver's license may operate, among other vehicles, any 2-axle or 3-axle housecar, any 3-axle housecar or vehicle towing another vehicle weighing less than 6,000 pounds gross, and any 2-axle vehicle weighing 4,000 pounds or more unladen when towing a trailer coach of not more than 9,000 pounds gross.

This bill would revise these provisions to instead permit the holder of a class C or class 3 license to operate any housecar, including any housecar towing another vehicle weighing less than 6,000 pounds gross, and any 2-axle vehicle weighing 4,000 pounds or more unladen when towing a trailer coach not exceeding 10,000 pounds gross vehicle weight rating.

The bill would also, until January 1, 1994, permit the holder of a class C or class 3 license to operate a 2-axle vehicle weighing 4,000 pounds or more unladen when towing a

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5th-wheel travel trailer, as defined, of more than 10,000 pounds but not more than 15,000 pounds gross vehicle weight rating if the person has passed a specified examination. The bill would require that authority to be endorsed on the person's license. On and after January 1, 1994, the bill would reduce the permissible rating of a 5th-wheel travel trailer for these purposes to 10,000 pounds or less gross vehicle weight rating. For the operation of vehicles towing 5th-wheel travel trailers over these gross vehicle weight rating limits, the bill would permit the Department of Motor Vehicles to issue a restricted class A license which would require the holder, upon application and every 2 years thereafter, to submit specified medical information in lieu of a report of medical examination.

The bill would require the Department of the California Highway Patrol to conduct a described study of the effect of the provisions relating to 5th-wheel travel trailers on highway safety, including specified matters, and to report thereon to the Chairpersons of the Assembly and Senate Transportation Committees by January 1, 1993.

The bill would also make other technical and clarifying changes.

Ch. 1359 (AB 55) Hansen. Vehicles: motorcycle safety, licenses, and impounding.

(1) Under existing law, the Commissioner of the California Highway Patrol is authorized to carry out specified activities with private and public entities for the purpose of implementing motorcycle safety programs, including reports to the Legislature, as specified. Those provisions are scheduled to terminate on January 1, 1992. Existing law also prohibits issuance of a license to operate a 2-wheel motorcycle to a person under the age of 18 years unless training is completed pursuant to those provisions

This bill would expand the reporting requirements to include a study of the effectiveness of the motorcycle safety program as a whole, including specified matters, and would require a preliminary report to be submitted to the Legislature by July 1, 1991, and a final report by January 15, 1992 The bill would also require persons under the age of 21 years, as a prerequisite to obtaining a motorcycle license or endorsement, to present to the Department of Motor Vehicles satisfactory evidence of completion of a motorcycle safety training program operated pursuant to those provisions.

(2) Existing law requires a person, upon examination, to be properly authorized by license or endorsement issued by the Department of Motor Vehicles in order to drive any motorcycle, motor-driven cycle, which includes any motor scooter, or motorized bicycle, as specified. Existing law expressly provides that a person with a valid driver's license may operate a motorized bicycle without having a motorcycle license or endorsement

This bill would, after December 31, 1993, delete the license exception applicable to motorized bicycles, and would thus require all persons to obtain the requisite license or endorsement from the department in order to drive any motorized bicycle, as specified. The bill would except short-term rentals, as defined, from the license requirement. The bill would also establish a class of license for motorcycles, and a class for motor-driven cycles, as defined, and would require drivers of those vehicles to obtain the requisite license or endorsement for each class, as specified. The bill would make it a misdemeanor to drive any of those vehicles without the required license or endorsement, and, thus, would impose a state-mandated local program by creating new crimes. The bill would delete motor scooters from the definition of motor-driven cycles.

(3) Existing law authorizes a court, upon conviction of a person for driving while his or her driving privilege has been suspended or revoked, to impound that person's motor vehicle, as specified

This bill would authorize the impoundment of class M1 or M2 vehicles which the owner permitted another person to operate while his or her driving privilege is suspended or revoked.

(4) This bill would make other conforming changes, as well as other technical, nonsubstantive changes

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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Ch. 1360 (SB 1510) Russell. Vehicles: hazardous waste haulers: drivers' licenses: driving certificates: fingerprinting: commercial vehicles: firefighters.

(1) Under existing law, no person may be registered as a hazardous waste hauler by the State Department of Health Services unless the equipment, as specified, used to transport hazardous waste has been inspected by, and received a certificate of compliance from, the Department of the California Highway Patrol, and the employer owning, leasing, renting or otherwise providing the equipment provides documentation indicating that all persons who will operate the equipment have received training, as specified, in the safe handling of the hazardous waste to be transported.

This bill would delete these provisions.

(2) Existing law requires applicants for certificates and endorsements to operate ambulances, schoolbuses, youth buses, school pupil activity buses, tour buses, farm labor vehicles, paratransit vehicles, special construction equipment, hazardous materials vehicles, and radioactive materials vehicles to meet specified requirements.

This bill would delete special construction equipment certificate requirements; revise requirements regarding certificates for operating a tour bus, transit bus, schoolbus, school pupil activity bus, youth bus, farm labor vehicle, paratransit vehicle, or ambulance, and hazardous and radioactive material certificates and endorsements; revise the definitions of classes A, B, C, and M and commercial motor vehicles; and make related changes.

(3) Existing law requires, under specified conditions, the Department of Motor Vehicles and the Department of the California Highway Patrol to take the fingerprints of an applicant for a license or certificate.

This bill would authorize both departments, when submitting fingerprints to the Department of Justice for which a fee is required to be paid to the Department of Justice, to charge the applicant a fee to cover those costs.

(4) Existing law exempts from requirements for a commercial driver's license and an endorsement issued by the Department of Motor Vehicles for the transportation of hazardous materials, among other things, a driver who is employed in an agricultural operation, if the load is not being transported for compensation and the vehicle is controlled or operated by a farmer.

This bill would revise this exception for a driver employed in an agricultural operation to require that the driver is driving a vehicle, other than a vehicle used in common or contract motor carriage, transporting agricultural products or farm machinery or supplies to or from a farm. The bill would specify that a person who obtained the required verification of training, but does not meet the department's medical requirements, is not qualified to transport hazardous materials.

(5) Existing law requires a person, upon examination, to be properly authorized by license or endorsement issued by the Department of Motor Vehicles in order to drive any motorcycle, motor-driven cycle, which includes any motor scooter, or motorized bicycle, as specified. Existing law expressly provides that a person with a valid driver's license may operate a motorized bicycle without having a motorcycle license or endorsement.

This bill would, on and after January 1, 1994, delete the license exception applicable to motorized bicycles, and would thus require all persons to obtain the requisite license or endorsement from the department in order to drive any motorized bicycle, as specified. The bill would except short-term rentals, as defined, from the license requirement. The bill would also establish a class of license for motorcycles, and a class for motor-driven cycles, as defined, and would require drivers of those vehicles to obtain the requisite license or endorsement for each class, as specified. The bill would delete motor scooters from the definition of motor-driven cycles.

(6) Under existing law, the holder of a class C or class 3 driver's license may operate, among other vehicles, any 2-axle or 3-axle housecar, any 3-axle housecar or vehicle towing another vehicle weighing less than 6,000 pounds gross, and any 2-axle vehicle weighing 4,000 pounds or more unladen when towing a trailer coach of not more than 9,000 pounds gross.

This bill would revise these provisions to instead permit the holder of a class C or class

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3 license to operate any housecar, including any housecar towing another vehicle weighing less than 6,000 pounds gross, and any 2-axle vehicle weighing 4,000 pounds or more unladen when towing a trailer coach not exceeding 10,000 pounds gross vehicle weight rating.

The bill would also, until January 1, 1994, permit the holder of a class C or class 3 license to operate a 2-axle vehicle weighing 4,000 pounds or more unladen when towing a 5th-wheel travel trailer, as defined, of more than 10,000 pounds, but not more than 15,000 pounds, gross vehicle weight rating, if the person has passed a specified examination. The bill would require that authority to be endorsed on the person's license. On and after January 1, 1994, the bill would reduce the permissible rating of a 5th-wheel travel trailer for these purposes to 10,000 pounds or less gross vehicle weight rating.

(7) Existing law authorizes the Department of Motor Vehicles to issue driver's licenses restricted to the operation of firefighting equipment.

This bill would authorize the issuance of that restricted license to a firefighter employed by a federal, as well as a state agency, and would include, within the definition of firefighting equipment, motor vehicles used to transport equipment used in suppressing fires so that those vehicles may be operated with such a restricted license.

(8) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would impose a state-mandated local program since a violation of certain of the above provisions, under other provisions of law, would be a crime.

The bill would provide that no reimbursement is required by this act for a specified reason

Ch. 1361 (SB 2486) Rogers. Solid waste disposal sites: small cities.

Existing law requires the operator of a solid waste landfill to prepare and submit closure and postclosure maintenance plans to the California Integrated Waste Management Board, the air pollution control district, the regional water quality control board, and local enforcement agencies. The operator is also required to conduct solid waste air quality and water quality assessment tests on closed solid waste disposal sites

This bill would exempt small cities located in Kings County that operate solid waste disposal sites from the assessment tests and specified postclosure duties relating to the site for 7 years or longer, as specified, if the city and the site meet specified criteria.

Ch. 1362 (AB 2561) Katz. Vehicles: out-of-state. registration: smog impact fee.

(1) Existing law, operative on November 1, 1990, requires a person making application to register a motor vehicle to pay to the Department of Motor Vehicles a vehicle smog impact fee of $300 for any motor vehicle which, immediately prior to the date of application, was registered outside this state, unless the motor vehicle has a specified certification.

This bill would, instead, require a person making application to register a 1975 or subsequent model year gasoline-powered motor vehicle or a 1980 or subsequent model year diesel-powered motor vehicle which is subject to specified requirements to pay the smog impact fee for that motor vehicle which, prior to the date of application, was last registered outside this state, unless the motor vehicle has the specified certification The bill would exclude from the fee requirement, under specified circumstances, an owner of a vehicle acquired in a foreign jurisdiction where the owner's presence was required by his or her military orders. The bill would require the department to make the determination that a vehicle is subject to the fee and would prescribe related matters. Except as specified, it would be a misdemeanor to install a prescribed vehicle emission control label on any motor vehicle or to remove or alter, for purposes of avoiding payment of the motor vehicle smog impact fee, that vehicle emission control label. Thus, the bill would impose a state-mandated local program by creating new crimes. The bill would revise legislative findings and declarations related to the motor vehicle smog impact fee.

(2) Under existing law, it is unlawful for a lessor-retailer or a dealer to advertise the total price of a vehicle without including all costs, with specified exceptions such as sales

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tax.

This bill would also exclude the amount of any applicable motor vehicle smog impact fee from the costs which are required to be included in that advertised total price.

(3) The bill would appropriate $308,000 from the Motor Vehicle Account in the State Transportation Fund to the department for carrying out specified provisions of the bill.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(5) The bill would take effect immediately as a tax levy, but specified provisions would become operative on October 15, 1990.

Ch. 1363 (AB 3532) Woodruff. Adoption.

Existing law contains provisions relating to adoption procedures.

(1) This bill would recast those provisions by separately specifying procedures relating to independent adoptions, agency adoptions, intercountry adoptions, stepparent adoptions, and adult adoptions and would also make related changes. The bill would become operative on July 1, 1991.

(2) This bill would incorporate additional changes in Section 232 of the Civil Code, proposed by SB 1583 and this bill, to be operative only if SB 1583 and this bill are both chaptered and become effective January 1, 1991, and this bill is chaptered last.

(3) This bill would provide that Section 222.35 as proposed to be added to the Civil Code shall not become operative if AB 548 is enacted and adds specified provisions to the Civil Code.

(4) This bill would incorporate additional changes in Section 10125.5 of the Health and Safety Code, proposed by AB 3974, to be operative only if AB 3974 and this bill are both chaptered and become effective on or before January 1, 1991, and this bill is chaptered last.

(5) This bill would incorporate additional changes in Section 11170 of the Penal Code proposed by AB 2716 or SB 2288, or both, to be operative only if AB 2716 or SB 2788, or both, and this bill are chaptered and become effective on or before January 1, 1991, and this bill is chaptered last.

(6) This bill would incorporate additional changes in Section 366.26 of the Welfare and Institutions Code, proposed by SB 2232, to be operative only if SB 2232 and this bill are both chaptered and become effective on or before January 1, 1991, and this bill is chaptered last.

Ch. 1364 (AB 3637) Farr. Earthquake insurance.

Existing law prohibits an insurer from rejecting or canceling a policy of residential property insurance after an offer of earthquake coverage is accepted, solely because the insured has accepted that offer of earthquake coverage, except in cases in which the policy is terminated by the named insured.

This bill would in addition prohibit an insurer from refusing to renew a policy of residential property insurance solely because the insured has accepted an offer of earthquake coverage subject to the same exception with respect to termination by the named insured. The bill would further prohibit a discriminatory application of residential property insurance underwriting standards to a person who accepts or elects to continue earthquake coverage.

Ch. 1365 (AB 3856) Sher. Hazardous waste facilities permit fees.

(1) Existing law requires the State Board of Equalization to assess a fee for any hazardous waste facility which intends to operate pursuant to a permit by regulation governed by hazardous waste control laws and provides that the fee is due and payable upon the facility's notification to the State Department of Health Services of its intent to operate in this manner.

Existing law requires a person notifying the department that a facility intends to conform with the requirements for a permit by regulation to pay $1,000, for deposit in

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the Hazardous Waste Control Account. A violation of hazardous waste control laws is a crime.

This bill would instead require a person who is required to notify the department of that person's intent to operate a facility pursuant to such a permit to pay $1,000 for each initial notification and not more than $1,000 for each notification thereafter, as specified in the regulations adopted by the department, thereby imposing a tax for purposes of Article XIII A of the California Constitution. Since failure to pay the fee would be a crime, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1366 (SB 2004) Keene. Leaking underground storage tanks.

(1) Existing law prohibits a contractor from engaging in a removal or remedial action unless the applicant for the license has passed an approved hazardous substance removal certification examination developed by the Contractor's State License Board. A violation of this requirement is punishable as an infraction, and a subsequent violation of this requirement is punishable as a misdemeanor, including the imposition of specified fines.

This bill would additionally prohibit a contractor, on and after January 1, 1992, from bidding for the installation or removal of, or installing or removing, an underground storage tank, unless the contractor has passed the hazardous substance removal certification examination. The bill would include the violation of this requirement within the criminal penalty provisions specified above, thereby imposing a state-mandated local program by creating a new crime.

(2) Existing law requires an owner or operator of an underground storage tank containing petroleum to pay an annual maintenance fee of $200 for each underground storage tank issued a permit. Existing law requires the fee to be paid to the State Board of Equalization according to specified procedures and requires the state board to assess a penalty for failure to make a timely payment. The state board is required to deposit all fees collected in the Underground Storage Tank Cleanup Fund in the General Fund.

Existing law authorizes the State Water Resources Control Board to expend the money in the fund, upon appropriation by the Legislature, to pay, up to prescribed amounts, for specified administrative costs in collecting the maintenance fee and for costs of implementation of specified laws relating to the regulation of petroleum underground storage tanks, to reimburse eligible owners and operators for the costs of corrective action for up to less than $1,000,000 for each occurrence, pursuant to a specified procedure, to pay for the costs incurred by a regional board or a local agency in taking corrective action, to pay for the costs of an agreement with a local agency to clean up releases from underground storage tanks, and to pay for the costs of cleanup and oversight of unauthorized releases at abandoned tank sites. Existing law authorizes a California regional water quality control board to enter into oral contracts for taking corrective action and exempts the contracts for corrective action from requirements concerning approval by the Department of General Services. Existing law requires every owner and operator of petroleum underground storage tanks to maintain evidence of specified levels of financial responsibility for specified purposes.

This bill would decrease the level of financial responsibility required to be obtained from at least $50,000 to at least $10,000 for each occurrence and from at least $50,000 to at least $10,000 annual aggregate coverage for taking corrective action. The bill would repeal the annual maintenance fee payment requirement and would repeal and revise various provisions related to the collection of that fee. The bill would, instead, require every owner of an underground storage tank who is required to obtain a permit to own or operate a tank to pay a specified storage fee, for deposit in the fund. The bill would require the fee to be paid to the state board in accordance with prescribed procedures. The bill would provide for the assessment of penalties and interest for failure to pay the fee within the time prescribed. The bill would authorize the state board to make a specified deficiency determination if the state board is dissatisfied with a specified

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report or the amount of the fee submitted to the state board. The bill would authorize the state board to make a prescribed determination of the amount of the fee due if the state board determines that the collection of any amount of fee will be jeopardized by delay.

The bill would require every person who is required to have a permit to own or operate an underground storage tank containing petroleum to register with the State Board of Equalization and would authorize the State Board of Equalization to require any person who is required to pay the fee to place a security with the board, as specified. The bill would authorize the State Board of Equalization to adopt regulations to carry out the underground storage tank fee and reporting requirements.

The bill would authorize expenditure from the fund for specified administrative costs in collecting the storage fee and for costs of implementation of specified laws relating to the regulation of petroleum underground storage tanks, without limiting that expenditure to prescribed amounts. The bill would authorize the State Water Resources Control Board to expend the money in the fund to reimburse eligible owners and operators for costs related to the compensation of 3rd parties for bodily injury and property damages arising from an unauthorized release of petroleum into the environment from an underground storage tank for up to a specified amount, if that board makes a specified determination. The bill would decrease the amount of money which the State Water Resources Control Board is authorized to pay to eligible owners and operators for corrective action costs to not more than $990,000 for each occurrence and would revise which owners or operators of petroleum underground storage tanks may apply to the State Water Resources Control Board for satisfaction of a claim. The bill would limit, as specified, the amount of money authorized for expenditure to pay for the costs of the regional board or local agency for corrective action. The bill would authorize the State Water Resources Control Board to pay for refunds due in connection with storage fee overpayments The bill would prohibit the State Water Resources Control Board from paying any claims against, or presented to, the fund if the claims are in connection with an unauthorized release of petroleum from an underground storage tank resulting from the intentional or reckless acts of, or gross negligence of, the claimant. The bill would authorize the regional board to enter into oral contracts for corrective action if there is a situation requiring prompt action to protect human health and the environment and would impose this requirement as a condition of exemption from departmental approval. The bill would revise the requirements which a regional board or local agency taking, or contracting for, a specified corrective action, is required to meet before commencing the corrective action.

(3) Existing law authorizes owners or operators required to perform corrective action to apply to the State Water Resources Control Board for satisfaction of a claim if specified conditions are met. The State Water Resources Control Board is required to prescribe specified forms and procedures for claims filed.

This bill would revise the conditions under which owners or operators required to perform corrective action are authorized to apply for satisfaction of a claim. The bill would revise the contents of the form and the procedures to be followed for claims filed and would revise the findings which the State Water Resources Control Board is required to make prior to the payment of a claim. The bill would provide that the owner or operator of a petroleum underground storage tank is obligated to undertake corrective action whenever the State Water Resources Control Board has authorized the prepayment of a specified claim for corrective action costs and the amount of money in the fund is insufficient to pay the claim.

(4) Existing law creates the Petroleum Underground Storage Tank Financing Account in the General Fund for receipt of specified moneys. The Department of Commerce is authorized to expend the funds in the account to make loans for the replacement, removal, or upgrading of underground storage tanks. All interest accruing on interest payments from loan applicants or interest earned on the funds in the account is required to be deposited in a subaccount of the account. Except as otherwise provided, the department is authorized to expend not more than $130,000 in any fiscal year for specified purposes from the subaccount, upon appropriation by the Legislature.

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This bill would raise the amount of money the department is authorized to expend from the subaccount to $150,000.

(5) Existing law creates the Petroleum Financing Collection Account for the purpose of receiving specified charges, fees, and incomes related to the underground storge tank loan program. Existing law authorizes the department to expend the funds in the account, upon appropriation by the Legislature, for costs necessary to protect the state's position as a lender-creditor.

This bill would, instead, continuously appropriate all money deposited in this account to the department for those costs, thereby making an appropriation.

(6) The bill would transfer $4,000,000 from the Underground Storage Tank Cleanup Fund to the Petroleum Underground Storage Tank Financing Account, which would become operative when the fund has a balance of $4,000,000, and appropriate that amount of money from the account to the department for loans for the replacement, removal, or upgrading of underground storage tanks.

(7) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason

(8) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1367 (SB 2671) Presley. Assessments.

Existing law specifies procedures whenever a person is arrested or cited for violating provisions and ordinances relating to traffic offenses.

This bill would authorize any county, by resolution of its board of supervisors, to establish a Misdemeanor and Traffic Violation Pilot Project which provides for specified procedures whenever a person is issued a citation for violation of provisions of the Penal Code or of the Vehicle Code not declared to be felonies or of ordinances relating to traffic offenses. The procedures specify, among other requirements, (1) that the person issued a citation be subsequently mailed a notice to include a form upon which the person may disclose his or her financial inability to pay any fine or bail amount resulting from the violation, (2) that a failure to pay the fine or bail amount, to return the completed financial statement, or to return the promise to appear for trial, as specified, results in the issuance of a judgment for civil damages in the amount of $500, in addition to liability for the amount of the fine, and (3) that any resulting writ of execution issued to collect the $500 can be set aside upon a showing of good cause.

The bill also would provide that its provisions would be repealed as of January 1, 1993.

Ch. 1368 (SB 1780) Robbins. Redevelopment: taxes.

Under existing law, the Department of Finance is required to calculate, as specified, the amount of special supplemental subventions all redevelopment agencies would otherwise be entitled to receive in the 1990–91 fiscal year and requires the Controller to allocate that amount, reduced pursuant to that calculation, to those agencies. Existing law exempts, from these provisions, any redevelopment agency which has pledged, in its bond instruments, those subventions as security for payment of the principal and interest of those bonds, as specified.

This bill would expressly include within that exemption the Cities of Compton, Chula Vista, and South Gate.

Existing law relating to redevelopment permits affected taxing agencies to elect to be allocated certain amounts allocated to the redevelopment agency under tax increment financing which are attributable to increases in the tax rate or to increases in the assessed value of taxable property in the redevelopment project area, as specified.

This bill would additionally permit the allocation of amounts of other tax revenues, as specified.

Under the existing Community Redevelopment Law, a redevelopment agency is authorized to exercise the power of eminent domain within a project area.

This bill would expressly prohibit the Redevelopment Agency of the City of Los Angeles from exercising the power of eminent domain over residential property within

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any area added, after the bill's effective date, to the existing Watts Redevelopment Project Area, as specified.

The bill would require that where the authority of eminent domain is to be used in areas zoned for nonresidential use, each residential property shall be identified separately in the plan prior to its adoption. The bill would require specified notice to owners and residents of residential property, would require that displaced businesses receive 1st priority for various forms of assistance and loans, and would specify that existing tenants and future tenants shall be entitled to existing relocation benefits.

The bill would state that these provisions constitute necessary special legislation.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1369 (SB 539) Rosenthal. Energy programs: study.

Under existing law, the Public Utilities Commission is vested with regulatory authority over public utilities.

This bill would require the commission, on or before June 30, 1991, to adopt and implement, to the extent feasible, a pilot program of incentives to encourage utilities to maintain and expand their energy efficiency programs and load management programs that promote energy efficiency and would specify various requirements for the incentives program. The bill would require the commission to report to the Legislature on the results of the pilot program.

The bill would also require the commission to require one or more electric utilities to implement specified pilot projects, to establish a pilot program for gas utilities which tests a program of competitive bidding auctions for demand side services, and to report the results of these pilot programs to the Legislature by a specified date. The bill would specify related matters.

Ch. 1370 (SB 615) C. Green. Minors.

Existing law contains various provisions relating to the circumstances under which a minor may be placed in a foster home, including placement pursuant to order of the juvenile court and voluntary placement.

This bill would require that the case plan of a minor when he or she is placed in foster care, to the extent available and accessible, include the health and education records of the minor, as specified. This bill would require that at the time a minor is placed in foster care the minor's health and education records be reviewed and updated and supplied to the foster parent or foster care provider with whom the minor is placed. To the extent that the inclusion of health and education records would increase the duties of county welfare and public adoption agency personnel, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 1371 (SB 1750) Hart. Department of Parks and Recreation.

Existing law authorizes the Director of General Services to convey the Las Cruces site in Gaviota State Park to the Vista del Mar Union School District and requires the proceeds of the sale to be deposited in the State Parks and Recreation Fund and to be available for appropriation for state park acquisition and development projects in Santa Barbara County.

This bill would appropriate $1,262,000 from the State Parks and Recreation Fund, from the proceeds of the sale, to the Department of Parks and Recreation for the acquisition of specified real property adjoining or in the vicinity of the La Purisima Mission State Historical Park.

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Ch. 1372 (SB 1854) Morgan. Community colleges.

(1) Legislation that became operative in 1977, and which has subsequently been repealed and reenacted in a substantially identical provision, authorized community college districts to initiate and carry on any program, activity, or to act otherwise in any manner that is not in conflict with, or inconsistent with, or preempted by, any law and that is not in conflict with the purposes for which school districts are established.

The Education Code presently contains numerous provisions enacted prior to, simultaneous with, and subsequent to, the 1977 enactment that specifically prescribe the authority of the governing board of the community college districts and the Board of Governors of the California Community Colleges (hereafter, board of governors) to act in initiating and carrying on certain programs or activities or taking other actions.

This bill would delete numerous prescriptive provisions.

(2) Under existing law, the Board of Governors of the California Community Colleges is created to administer and supervise the statewide system of community colleges known as the California Community Colleges.

This bill would expressly designate the system as the California Community Colleges in numerous specific sections of the Education Code. This bill would repeal and recast provisions of law relating to the Board of Governors of the California Community Colleges and the governing boards of community college districts.

(3) Existing law directs the Chancellor of the California Community Colleges or the community college districts to take specified action and to perform certain duties relating to the California Community Colleges.

This bill would delete certain references to the chancellor and refer instead to the Board of Governors of the California Community Colleges.

(4) Existing law requires the State Board of Education to adopt rules and regulations not inconsistent with the laws of this state, among other things, for the government of the day and evening elementary schools, the day and evening secondary schools, and the technical and vocational schools of the state, and for the government of other schools, excepting the University of California and the California State University.

This bill would also include the California Community Colleges among the educational segments for which the State Board of Education may not adopt rules and regulations.

(5) Existing law authorizes the governing board of any school district or community college district maintaining a child development program to include in its budget the amount necessary to initiate, operate, and maintain a child development program, and requires the board of supervisors to levy a school district tax or a community college district tax necessary to raise that amount. The revenue derived from the taxes levied pursuant to this provision is authorized to be used to make purchases of real property and fixtures, to make alterations and additions to existing buildings, and to purchase furniture, apparatus, or equipment for child development facilities maintained by the taxing district

This bill would delete the express references to community college districts and would delete the statutory authority of a school district to use the revenue derived from the taxes for the purposes described in the preceding paragraph.

(6) Existing law designates the secondary schools of the state as high schools, technical schools, adult schools, and community colleges. Existing law also includes all public community colleges within the definition of public higher education.

This bill would clarify that the California Community Colleges is a segment of higher education, would delete the reference to the community colleges as a secondary school in the state, and would make the appropriate conforming changes, including the deletion of references to grades 13 and 14 and the deletion of the authority of the county superintendent with respect to community college districts.

(7) Existing constitutional law requires the Legislature to add to the State School Fund other revenues of the state for apportionment in each school year for the support of, and aid to, various public schools, including the community colleges. Existing law, commonly referred to as the Budget Act of 1987, contains an appropriation for the support of the community colleges, in lieu of the amount that otherwise would be appropriated pursuant to existing law, under Section 14020 of the Education Code, that

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requires the Controller during each fiscal year to transfer from the General Fund of the state the portion of the State School Fund restricted for community college purposes, in addition to the sums accruing from other sources, for apportionment a specified amount per pupil in average daily attendance, other amounts certified by the chancellor as necessary, and other amounts that might be appropriated by the Legislature. Existing law, pursuant to Section 14021 of the Education Code, requires the amount to be transferred to be adjusted for errors of average daily attendance reported in prior years, as specified.

This bill would repeal Sections 14020 and 14021.

(8) Existing law prescribes the school term and certain holidays and observances. Existing law also contains provisions relating to courses of study at the California Community Colleges, including certain requirements for the Chancellor's office of the California Community Colleges, the governing board of each community college district, the design of courses of study, and the minimum credit hours required for graduation from a 2-year community college course of study.

This bill would repeal many of these provisions relating to the school term and certain holidays and observances and would repeal the provisions relating to courses of study.

(8.5) Existing law establishes a procedure under which the county auditor draws county warrants to pay the expenses of community college districts.

This bill would, pursuant to a specified procedure, permit the governing board of a community college district to draw warrants on the county treasurer in order to pay the expenses of the district. It would impose certain administrative duties upon the county treasurer and county auditor pursuant to these provisions, thereby imposing a state-mandated local program. This bill would require that the cost of printing the warrants be borne by the district. In addition, this bill would require that those districts issuing warrants provide the county superintendent with the information necessary for him or her to make retirement reports and other reports required by law.

The bill would provide that the county auditor and county treasurer may seek reimbursement by charging those districts that draw their own warrants for the cost of all fiscal services, and would require those districts to reimburse the county auditor and county treasurer for that cost.

(9) (a) Existing law requires each county superintendent of schools to submit the reports as may from time to time be required by the Superintendent of Public Instruction or the board of governors and authorizes the county superintendent of schools to destroy the records of his or her office in accordance with the regulations of the Superintendent of Public Instruction or the board of governors.

This bill would delete references to the board of governors in these provisions.

(b) Existing law authorizes the county superintendent of schools, with the approval of the county board of education, to apportion money credited under specified provisions to the county school service fund to certain school districts or community college districts.

This bill would authorize the county auditor, rather than the county superintendent of schools, to apportion these funds.

(c) Existing law requires the governing board of each school district and community college district participating in a vocational education program to appoint a vocational education advisory committee.

This bill would delete references to the governing board of community college districts from these provisions.

(d) Existing law requires bonds of a school district to be offered for sale by the board of supervisors of the county, the county superintendent that has jurisdiction over the district, as soon as possible following the receipt of a resolution duly adopted by the governing board of the school district.

This bill would require that bonds of a community college district be offered for sale by the governing board of the community college district and would authorize the offering of bonds for sale by group.

This requirement would impose a state-mandated local program.

(e) Existing law requires the Controller to draw warrants on the State Treasury in

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the amounts certified in favor of the county treasurer of the county which has jurisdiction over the community college district applying for an allowance to meet all or a portion of the cost of establishing and operating extended opportunity programs or services and requires the county treasurer to immediately credit the general fund of the applicant school district.

This bill would require the Controller to draw warrants in favor of the community college district and would delete the requirement that the county treasurer credit immediately its general fund.

(f) Existing law authorizes any student under 21 years of age, and any student under 25 years of age who has been honorably discharged or is otherwise returning from active or inactive military service with the armed forces of the United States, who resides in this state and more than 60 miles from the nearest community college to request to attend credit courses at any community college in the state.

This bill would repeal this provision.

The provisions described under subparagraphs (a) to (e), inclusive, of this paragraph will become operative January 1, 1992.

This bill would also make various changes, including, but not limited to, the changes summarized below with respect to the Board of Governors of the California Community Colleges and the governing boards of the California Community Colleges:

BOARD OF GOVERNORS

(10) Under existing law, the members of the Board of Governors of the California Community Colleges are entitled to receive their actual and necessary traveling expenses while on official business and are entitled to receive $50 for each day of attending to official business. Existing law designates the City of Sacramento as the headquarters of the board of governors and the chief executive officer.

This bill would increase the amount members of the board of governors are entitled to receive for each day of attending to official business to $100 to conform with provisions applicable to members of other state boards. The bill would require the board of governors to adopt regulations relating to minority and women business contracting.

(11) Existing law prescribes the procedures for the formation of community college districts and the annexation and transfer of territories into community college districts.

The bill would additionally require notification of the Board of Governors of the California Community Colleges of those changes.

(12) Existing law requires the Regents of the University of California, the Trustees of the California State University, the Board of Governors of the California Maritime Academy, and the Board of Governors of the California Community Colleges to adopt rules and regulations relating to the method of calculation of the amount of nonresident tuition, the method of payment, and the amount of refund.

This bill would impose a state-mandated local program to the extent it would require the governing board of a community college district to adopt these rules and regulations.

(13) Existing law prescribes certain educational programs and courses of study at the California Community Colleges.

This bill would repeal these provisions.

(14) Existing law requires the Chancellor of the California Community Colleges to certify to the Controller, in accordance with certain guidelines, the amounts estimated to be apportioned to each community college district.

This bill would instead require the board of governors to adopt regulations providing for the payment of apportionments to districts on a schedule to include an advance apportionment and a 1st and 2nd principal apportionment, as specified.

GOVERNING BOARDS OF CALIFORNIA COMMUNITY COLLEGE DISTRICTS

(15) Existing law authorizes a community college president to take specified action with respect to the community college, including the admission of special full-time students.

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This bill would delete references to the community college president and refer, instead, to the governing board of the community college district.

(16) Under existing law, the governing board of any school district or community college district is required to expend the library fund, together with the money as is added to that fund by donation, in the purchase of school apparatus and books for a school library. All orders of the governing board of any school district or community college district for books or apparatus are required in every case to be submitted to the superintendent of schools of the county, city, or city and county, respectively, for his or her approval, before the books or apparatus can be purchased.

This bill would delete the governing board of any community college district from these requirements.

(17) Existing law also requires the governing board of each community college district to adopt and cause to be printed and made available to each certificated employee of the district regulations providing for the evaluation of the performance of certificated employees in their assigned duties. Existing law prohibits a person from being eligible to hold a position as district superintendent, deputy superintendent, associate superintendent or assistant superintendent of a community college unless he or she is the holder of both a valid school administration certificate and a valid instructor's certificate. Moreover, no individual serving as the chief administrative officer of a community college district is subject to the provisions governing the merit system. Existing law also sets forth the duties of the superintendent of each community college district.

This bill would repeal the provisions described in the preceding paragraph.

(18) Existing law requires the governing board of a community college district to designate a day, no earlier than 10 days and no later than 40 days after the receipt of a petition asking the name of the district to be changed, upon which it will act upon the petition.

Existing law requires the governing board of any unified school district in any community college district coterminous with the unified school district to constitute the community college board.

Existing law requires the governing board of a community college district to adopt and cause to be printed and made available to each certificated employee of the district reasonable rules and regulations providing for the evaluation of the performance of certificated employees in their assigned duties.

Existing law designates the superintendent of each community college district as the chief executive officer of the governing board of the district and requires him or her, except as otherwise specified, to prepare and submit a budget to the governing board of the district.

Existing law requires the governing board of each community college district, except as otherwise provided, to use all money apportioned to the district from the State School Fund during any fiscal year exclusively for the support of the schools or the schools of the district for that year.

This bill would repeal these provisions.

ADOPTION OF REGULATIONS

(19) This bill would require the board of governors to initially adopt and put into effect rules and regulations that incorporate the text of enumerated statutes repealed by the bill. This bill would authorize the board of governors to include technical and grammatical changes in initially incorporating the statutes and would provide that the initial changes may not alter the requirements, rights, responsibilities, conditions, or prescriptions contained in the statutes. The bill would provide that the statutes shall remain operative until the effective date of the corresponding regulations. The bill would provide that changes to certain regulations, as specified, shall not become effective until the implementation of certain budgetary guidelines and criteria in accordance with Chapter 973 of the Statutes of 1988.

OTHER PROVISIONS

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(20) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 1373 (SB 2434) Davis. Vehicles: damage: disclosure.

(1) Existing law prohibits fraudulent or deceitful acts by vehicle dealers and requires disclosure to a buyer that a vehicle has been remanufactured, as specified, but does not require a vehicle dealer to inform purchasers or prospective purchasers of damage sustained by vehicles prior to delivery.

This bill would require a dealer to inform the purchaser of a new or previously unregistered motor vehicle if the vehicle has sustained material damage, as defined, which has been repaired, and to inform the purchaser of other known damage which has not been repaired. Because, under other provisions of existing law, a violation of this requirement would be an infraction, the bill would impose a state-mandated local program by creating a new crime.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1374 (SB 2446) Craven. Mobilehomes: attorney's fees and costs.

Existing law provides that in any action arising out of the provisions of the Mobilehome Residency Law, the prevailing party shall be entitled to reasonable attorney's fees and costs.

This bill would provide that the management of a mobilehome park shall not charge or impose upon a homeowner any fee or increase in rent which reflects the cost to the management of any fine, forfeiture, penalty, or fee assessed by a court of law against the management for a violation of the Mobilehome Residency Law, including any attorney's fees and costs incurred by the management in connection therewith. The bill would provide that a court shall consider the remoteness in time of the assessment against the management of any fine, forfeiture, penalty, or fee in determining whether the homeowner has met the burden of proof that the fee or increase in rent is in violation of this prohibition.

Existing law provides that the substantial failure of the management of a mobilehome park to provide and maintain physical improvements in the common facilities in good working order and condition, and the substantial violation of a mobilehome park rule are nuisances, as specified, and may only be remedied by a civil action or abatement.

This bill would provide that a civil action under these provisions may be brought by a park resident, the park management, or in the name of the people of the State of California by the district attorney or the city attorney of the jurisdiction in which the park is located.

Ch. 1375 (SB 2569) Rosenthal. Insurance Commissioner: complaints.

Existing law requires the Insurance Commissioner to receive, investigate, and respond to complaints by the public, as specified.

This bill would require the commissioner to establish a program on or before July 1, 1991, for the handling of insurance complaints registered with the Department of Insurance, for responding to inquiries, and, where warranted, for bringing enforcement actions against insurers, as specified. The bill would make related changes. It would require the department to develop a complaint handling evaluation form, as specified.

The bill would also state legislative intent.

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Ch. 1376 (SB 2691) Bergeson. Maternal and child health: blood specimen.

(1) Under existing law, every licensed physician and surgeon or other person engaged in the prenatal care of a pregnant woman or attending a pregnant woman at the time of delivery is required to obtain or cause to be obtained a blood specimen of the woman at the time of the first professional visit or within 10 days thereafter in the case of prenatal care and within 24 hours of delivery if the blood specimen is not obtained prior to delivery.

This bill would repeal those provisions and would, instead, generally require the physician and surgeon to obtain or cause to be obtained a blood specimen of the woman, as prescribed, except this bill would specifically require the blood specimen to be obtained at the time of delivery if it is not obtained prior to delivery.

(2) Existing law requires the blood specimen to be submitted to a licensed clinical laboratory or approved public health laboratory for a determination of rhesus (Rh) blood type, and requires the State Department of Health Services to adopt regulations concerning that requirement.

This bill would repeal those provisions and would, instead, generally require the blood specimen to be submitted to a clinical laboratory licensed by the department or to an approved public health laboratory for a determination of rhesus (Rh) blood type, and to a clinical laboratory licensed by the department or to an approved public health laboratory for a test to determine the presence of hepatitis B surface antigen.

The bill also would prohibit any person from being compelled in any state, county, city, or other local civil, criminal, administrative, legislative, or other proceeding to provide those test results.

(3) This bill would require clinical laboratories licensed by the department, approved public health laboratories, local health departments, physicians and surgeons, or other persons engaged in the prenatal care of a pregnant woman or in the care of an infant to maintain and make available to the department information necessary to evaluate, for public health purposes, the effectiveness of testing and followup treatment for the prevention of perinatally transmitted hepatitis B infection. This bill would require the department, to the extent state funds are appropriated therefor in the annual Budget Act or federal funds are available therefor, to allocate money to a county requesting funds for those functions or for testing and followup treatment of perinatally transmitted hepatitis B infection.

(4) This bill would require a blood specimen and test results obtained for the purpose of determining the presence of hepatitis B surface antigen to be confidential and to not be disclosed, except as otherwise provided by law.

(5) This bill would make other technical, nonsubstantive changes.

Ch. 1377 (SB 2869) Rosenthal. Housing: homeless persons.

Under existing law, the Department of Housing and Community Development is required to establish and administer the Transitional Housing Rental Deposit Guarantee Demonstration Program, under which the department provides grants and technical assistance to local nonprofit agencies or local governments operating emergency housing shelters to enable them to provide contractual guarantees for the payment of residential rental security deposits. Under the program, first priority for funds is for families with minor children, and homeless families who are temporarily residing in a park, car, or are otherwise without shelter, are also eligible. Funding for the program is provided through the Emergency Housing and Assistance Fund, which is continuously appropriated to the department for these purposes.

This bill would require the department to, in addition, provide those grants and technical assistance to local nonprofit agencies or local governments providing services relating to emergency housing needs of homeless individuals or families, and would revise existing provisions relating to eligibility of homeless families without shelter to make homeless persons and families who are temporarily residing in a park, car, or structure not designed for human habitation or who are temporarily residing with another household in overcrowded conditions, or otherwise without shelter, eligible for assistance under the program. Since the bill would expand the purposes for which the continuously appropriated Emergency Housing and Assistance Fund can be used, the

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bill would make an appropriation.

The bill would further provide that the Transitional Housing Rental Deposit Guarantee Demonstration Program would be repealed on July 1, 1993.

This bill would also make a technical, nonsubstantive change.

Ch. 1378 (SB 2907) Calderon. Health and education data· foster care.

Existing law provides for the provision of various services for children, including the provision of foster care services.

This bill would require the State Department of Social Services to conduct a study to examine the most efficient methods of collecting and maintaining certain data on children in foster care, and would require the department to report to the appropriate policy and fiscal committees of the Legislature on the results of its study by February 15, 1992.

Ch. 1379 (AB 119) Floyd. Person employing labor: records.

(1) Under existing law, it is a misdemeanor for a person employing labor to fail to keep a record showing the names and addresses of all employees employed and the ages of all minors, to fail to keep on file for at least one year certain payroll records at plants or establishments at which employees are employed, or to fail to allow access for inspection of the records by any member of the Industrial Welfare Commission or employees of the Division of Labor Standards Enforcement.

This bill would make a person employing labor who willfully violates these requirements subject to a civil penalty of $500.

(2) Existing provisions of state law regulate wages, hours, and working conditions for employees, including provisions regulating the employment of minors.

This bill would provide those provisions do not restrict the exercise of local police powers over those matters in a more stringent manner.

Ch. 1380 (AB 541) Farr. Electronic data processing: information technology: disaster recovery planning.

Existing law does not provide that each state agency develop a plan for the recovery of information technology operations subsequent to natural or manmade disaster.

This bill would require each state agency to develop by July 1, 1991, as specified, a Disaster Recovery Plan relating to information technology. This bill would require each state agency to establish a Disaster Recovery Planning Team to develop and administer the plan. This bill would also require that each state agency file by January 31 of each year a copy of its plan with the Office of Information Technology and any state data center whose services the agency employs This bill would further provide that the Office of Information Technology assist, review, and coordinate disaster planning relating to information technology for all state agencies.

Ch. 1381 (AB 637) Speier. Public social services: Medi-Cal.

Under existing law, reimbursement is made according to rates established by the State Director of Health Services for specified items provided under the Medi-Cal program, including durable medical equipment.

Durable medical equipment covered under the Medi-Cal program is subject to utilization controls, including prior authorization from the State Department of Health Services.

Existing law requires the department to establish a pilot program under which no prior authorization shall be required for the provision of prosthetic or orthotic devices, which do not exceed $500.

This bill would specify that the program shall be a pilot demonstration program. It would require that no prior authorization shall be required under the program for the provision of orthotic devices which do not exceed $250.

This bill would also require the department to promulgate regulations to require prior authorization for the repair costs of durable medical equipment covered under the Medi-Cal program, only when the cost to the department exceeds an amount to be determined by the department, but no less than $250.

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This bill would make various findings and declarations in regard to its provisions.

Ch. 1382 (AB 881) Hughes. Optometry.

Existing law requires the State Board of Optometry to require licensees to submit proof of completion of continuing education courses during the preceding year as a condition of the renewal of a license.

This bill would authorize the board to require that proof be submitted on an annual or biennial basis as determined by the board.

Ch. 1383 (AB 1651) Leslie. Public retirement systems: local firefighters: transfer.

The existing Public Employees' Retirement Law makes various provisions for modifications, cessations, or mergers of contracting agencies and for related terminations of participation in PERS.

This bill would authorize the Board of Administration to enter into an agreement with a contracting agency and a city maintaining its own retirement system for termination of the contracting agency's participation in PERS with respect to local firefighters and inclusion thereof in the city retirement system if the firefighting function of the contracting agency and the local firefighters have been transferred to that city.

Existing statutes relating to county retirement systems in general make various provisions regarding the assumption by one public agency, the first public agency (P/A #1), of any or all of the functions of another public agency, the second public agency (P/A #2).

This bill would add to those statutes, a provision which would require that any firefighter who has become an employee of the P/A #1 because of the assumption by P/A #1 of the firefighting function of P/A #2 who, at any time after becoming an employee of P/A #1, pays into the retirement fund of P/A #1 the same amount which he or she would have contributed had he or she been employed by P/A #1 at the same salary, and for the same time or periods of time for which and during which he or she was employed by P/A #2 shall have all of the retirement rights which he or she would have had, if any, had he or she been an employee of P/A #1 at that salary and for the time or periods of time, unless P/A #1 has provided by ordinance, pursuant to the statutes relating to cities and fire or police protection districts providing in their retirement systems for reciprocity, for a modification of his or her rights and benefits because of membership in a reciprocal retirement system. The resulting costs to the affected local retirement systems would constitute state-reimbursable, state-mandated local program costs.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 1384 (AB 1675) Friedman. Safety standards: penalties.

Existing law imposes specified penalties on any employer and specified employees convicted of a willful violation of any occupational safety or health orders, or a specified provision of law, which causes death or permanent impairment to an employee.

This bill would make a technical change in this provision.

Existing law expressly does not prohibit a prosecution for manslaughter rather than under the above provisions for the death of an employee, but prohibits prosecution for manslaughter and a violation of these provisions for the same act or omission.

This bill would delete the provision which expressly does not prohibit a prosecution under the above provisions for the death of an employee, and would delete the prohibition against a prosecution for manslaughter and a violation of these statutes for the same

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act or omission.

Existing law defines what constitutes a serious violation of occupational safety or health standards.

This bill would further clarify this definition.

Ch. 1385 (AB 1871) Leslie. Health services: long-term health care facilities.

Existing law specifies the various powers, duties, and responsibilities of the State Department of Health Services and of the State Director of Health Services over the health services delivery system, including, but not limited to, the filing of a petition in the superior court for appointment of a receiver for any long-term health care facility whenever circumstances exist indicating that continued management of the facility by the current licensee would present a substantial probability or imminent danger of serious physical harm or death to patients, as specified.

This bill would authorize the director to file a petition to have a temporary receiver appointed for a described health facility that provides long-term health care for persons with developmental disabilities.

This bill would authorize the department to provide onsite technical assistance to the receiver, as specified, if requested by the receiver, and would require the department to notify the State Department of Developmental Services and the appropriate regional center or centers of the receivership action.

This bill would authorize, when the director determines that a facility presents a risk of abruptly closing, but the situation does not require the filing of a petition, the director to provide onsite technical assistance to the operator if the operator requests the assistance.

This bill would require the department to submit a report concerning facility decertification and abrupt closures, as specified.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1386 (AB 2282) Eastin. Contractors.

(1) Existing law does not require the Contractors' State License Board to cooperate with other state agencies on utilizing a contractor's license number as a means of identification for enforcement purposes or to establish a system for joint enforcement action.

This bill would require the board to contract for a feasibility study, as specified, relating to the development of a system for joint enforcement actions with respect to contractors with the Department of Industrial Relations, the Employment Development Department, and the Franchise Tax Board.

(2) Existing law provides that every person licensed as a contractor shall report in writing the name and address of the insurer carrying workers' compensation insurance on his or her employees to the registrar within 10 days after any policy of insurance is issued to him or her and he or she shall send a copy of this report to the insurer.

This bill, instead, would change that time period from 10 to 90 days.

(3) Existing law does not make the maintaining of workers' compensation insurance a condition of licensure as a contractor.

This bill would, on and after January 1, 1992, impose that requirement, except as specified, and would make the failure to maintain that insurance grounds for the automatic suspension of the license of a contractor, as specified. The bill would also make the failure to maintain that insurance by an unlicensed person acting in the capacity of a contractor, subject to citation, as specified.

(4) Existing law specifies the grounds for the refusal to renew a contractor's license.

This bill would provide that the failure to resolve any outstanding final liabilities, as specified, imposed by the board, the Department of Industrial Relations, the Employment Development Department, or the Franchise Tax Board shall be grounds for refusing to issue, reinstate, reactivate, renew, or suspend a contractor's license, as specified.

The bill would appropriate $200,000 from the Contractors' License Fund to the Contractors' State License Board for the purpose of the study mandated by this act.

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Ch. 1387 (AB 2663) Peace. Life insurance, endowments, and annuities: acceleration of benefits.

The existing Personal Income Tax Law provides for specified exclusions from gross income.

This bill would provide under that law for an exclusion from gross income of amounts received under any policy of life or endowment insurance or any annuity contract or contract supplemental thereto, if the amounts are paid pursuant to specified provisions of the Insurance Code.

Existing law does not expressly authorize life insurance or endowment policies, or annuity contracts or contracts supplemental thereto, to provide for acceleration of benefits thereunder upon the occurrence of a catastrophic or life-threatening illness or condition.

This bill would specify that a "living benefits" contract between an insured or owner of a life insurance policy and another person shall not include a provision for the payment of cash surrender values, loans, or other benefits made by an insurer in accordance with the policy, and would provide that it may be entered into only if certain requirements are met. However, the bill would not include an assignment of a life insurance policy to a lending institution or credit union as collateral for a loan within the definition of a living benefits contract. The bill would authorize the Insurance Commissioner to regulate living benefits licensees, as specified, and to adopt rules or regulations.

The bill would provide that no person may enter into or solicit living benefits contracts unless that person has been licensed by the Insurance Commissioner. The bill would impose an application fee of $1,000. Since the fee would be deposited into the continuously appropriated Insurance Fund, the bill would make an appropriation.

The bill would require licensees to file with the department a copy of all living benefits contract forms used in this state. The bill would require licensees to disclose to, or advise any applicant for a living benefits contract of, certain information.

A violation of the above provisions relating to living benefits contracts would be a misdemeanor. The bill would thus create a new crime and impose a state-mandated local program.

The bill would provide that certain public assistance shall not be affected or reduced by reason of a failure to exercise an option to receive benefits under a living benefits provision or accelerated death benefit.

The bill would require the State Department of Health Services and the State Department of Social Services to prepare information on the effect of the receipt of funds under a living benefits contract as to eligibility to receive or continue to receive aid, assistance, or benefits from all federal, state, or other relevant assistance programs.

The bill would require the Insurance Commissioner to report related information to the Legislature on or before December 1, 1994.

The bill would appropriate $47,000 from the Insurance Fund to the Department of Insurance for specified purposes of the bill.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1388 (AB 2842) Felando. Vehicles: 45-foot buses: permits.

Under existing law, the Department of Transportation or a local authority, as to highways under their respective jurisdictions, may issue a special permit authorizing the applicant, among other things, to operate a vehicle or combination of vehicles or special mobile equipment of a size or weight of vehicle or size, weight, or width of load exceeding the maximum size, weight, or width permitted under law.

This bill would specifically authorize the issuance of a permit for the operation, on a per-trip basis on designated highways, of a bus not more than 45 feet in length.

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Ch. 1389 (AB 2963) Klehs. State agencies: pilot telecommunications program.

Existing law requires the Department of General Services to coordinate experimental studies on the use of telecommunications and information systems for telecommuting and teleworking.

An existing executive order of the Governor also requires each state agency to have a transportation management program.

The bill would authorize every state agency, including every board and commission, to incorporate the telecommuting work option as an element of its transportation management program. Those agencies that participated in specified experimental studies would be authorized to continue and expand those telecommuting programs. Agencies which did not participate in the initial experimental studies would be authorized to comply with the policy, procedures, and guidelines developed by the Department of General Services, as specified.

The bill would require the establishment, within the Department of General Services, of a unit for the purpose of overseeing agency telecommuting programs. The unit would be required to perform specified duties.

Ch. 1390 (AB 3042) Elder. STRS and family law: member applications: spousal signatures.

Existing provisions of the State Teachers' Retirement Law require that certain member applications to the State Teachers' Retirement System (STRS) contain the spouse's signature, unless specified conditions are met. Existing provisions of that law provide various benefits for STRS members and their beneficiaries and survivors and authorize the members to elect specified optional settlements. Family law provisions of that law, enacted in 1988, authorize a court, in a legal separation or marriage dissolution proceeding involving a STRS member and his or her nonmember spouse, as defined, to award a separate account of service credit and accumulated retirement contributions to each STRS member and STRS nonmember spouse. Family law provisions of that law, enacted in 1988, confer on nonmember spouses who are awarded a separate account, specified rights, including the rights to a refund of accumulated contributions, to redeposit previously refunded accumulated contributions, to purchase additional service credit, and to retire and receive a specified retirement allowance, but provide that they are not members of STRS. Family law provisions of that law, enacted in 1988, prohibit a STRS member from making any STRS beneficiary designation in derogation of the community property share of any STRS nonmember spouse in any STRS benefit which is derived from community property STRS contributions, or service credited during the marriage, unless the STRS nonmember spouse has previously obtained an alternative court order for division.

This bill would require that member applications for unmodified retirement allowances contain the spouse's signature, unless specified conditions are met, including the making of specified declarations under penalty of perjury. By extending the crime of perjury to those declarations, this bill would impose a state-mandated local program.

This bill would also authorize a spouse who refuses to sign the application of a member for the unmodified allowance to be considered a "nonmember spouse," as defined in the 1988 family law provisions, and to petition the court to divide the retirement benefit as provided in the 1988 family law provisions. This bill would also add to the 1988 family law provisions, an additional definition of "nonmember spouse."

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1391 (AB 3026) Harris. Check cashers.

Existing law provides for the regulation of check sellers, bill payers, and proraters, but does not regulate check cashers.

This bill would require defined check cashers to post, as specified, a schedule of fees for cashing checks, money orders, and other commercial paper, as well as for the issu-

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ance of identification for that purpose. The bill would similarly require check cashers to post a list of valid identification. Violations of these requirements or charging more than the posted schedule would constitute an unfair business practice.

Ch. 1392 (AB 3136) McClintock. Expert witnesses: fees.

Existing law provides that a party requiring testimony before any court or in a deposition in any civil action or proceeding from a specified expert, including a treating physician or other treating health care practitioner who is to be asked to express an opinion during the action or proceeding, shall pay the reasonable and customary hourly or daily fee for the actual time consumed in the examination of that expert by any party attending the action or proceeding.

This bill would include specified architects, professional engineers, and licensed land surveyors in the list of experts entitled to fees under these expert witness fee provisions. The bill would incorporate further changes to Section 2034 of the Code of Civil Procedure and Section 68092.5 of the Government Code proposed by SB 247, contingent upon the prior enactment of that bill.

Ch. 1393 (AB 3427) The Assembly Committee on Governmental Efficiency and Consumer Protection. Business and professions.

Existing law specifies that the biennial renewal fee for certified acupuncturists is $325 unless a lower fee is fixed by the Acupuncture Examining Committee.

This bill would require that the renewal fee be assessed on an annual basis until January 1, 1996.

Existing law regulates the practice of public accountancy.

This bill would require a licensed public accountant to issue a report which conforms to professional standards upon completion of a compilation, review or audit of financial statements.

Existing law does not authorize the State Board of Architectural Examiners to contract with architect consultants who are licensed architects to assist it in its enforcement program.

This bill would authorize the board to enter into such a contract with those licensees for that purpose on an intermittent basis.

Existing law provides for the licensing and regulation of cemetery salesmen. Under existing law, the Cemetery Board shall fix both the original cemetery salesman's license fee and the temporary salesman's license fee at no more than $25.

This bill would provide that an applicant for a temporary cemetery salesperson's license shall pay the same fee as that of an applicant for a cemetery salesperson's license and would provide that that fee shall be fixed by the board at no more than $30 and would make other technical, corresponding changes in that law.

Existing provisions of the Business and Professions Code continuously appropriate the moneys in the Acupuncture Fund and the Cemetery Fund. Because this bill could increase the amount of moneys in those funds, it would constitute an appropriation.

Ch. 1394 (AB 3552) Roos. Children: special needs respite care.

Under existing law, respite care services are provided to eligible families of developmentally disabled children, among others.

This bill would, until July 1, 1993, require the Child Development Division of the State Department of Education to establish the Los Angeles County Special Care Respite Pilot Project to provide, for a 2-year period, respite care services for at least 100 families of special needs children, as defined, who do not qualify for developmentally disabled respite care services.

Ch. 1395 (AB 3578) Clute. Schools: testing.

(1) Existing law requires the governing board of each school district to administer a health-related physical fitness test designated by the Superintendent of Public Instruction to pupils of any 3 grades specified by the superintendent. Governing boards must submit the reports by July 15 of each year. The State Department of Education must compile the data into a report and submit the report to the appropriate policy commit-

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tee of the Legislature by September 15 of each year.

This bill would specify that testing be conducted on pupils in grades 5, 7, and 9, rather than at the discretion of the Superintendent of Public Instruction.

This bill would require the governing board of each school district to submit the data to the State Department of Education by June 4 rather than July 15. This bill would change the date the department must report to the Legislature from September 15 to January 1 of each year.

This bill would require the State Department of Education to submit the report to the governing board of each school district by November 15 of each year.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would impose state-mandated costs by requiring school districts to submit an annual report regarding the results of its health-related physical fitness testing.

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.

The bill would state the intent of the Legislature that funds allocated through the budget process for the purposes of the bill be applied toward the minimum funding requirements for school districts imposed by Section 8 of Article XVI of the California Constitution.

Ch. 1396 (AB 3654) Vasconcellos. Homeless youth projects.

Existing law requires the Office of Criminal Justice Planning to enter into grant award agreements with nonprofit organizations with demonstrated success in the delivery of direct services to homeless youth for the establishment of homeless youth emergency service projects.

This bill would require the office to establish homeless youth emergency service projects in the County of San Diego and the County of Santa Clara, and to prepare and disseminate a request for proposals for these projects by March 31, 1992. It would also provide that the office shall enter into grant award agreements and that the operation of these projects shall begin not later than July 1, 1992.

This bill would state the intent of the Legislature that it be implemented only to the extent that funds are made available through appropriations in the Budget Act of 1991.

Ch. 1397 (AB 3901) Bentley. Transit development boards: membership and publication of ordinances.

(1) The Mills-Deddeh Transit Development Act creates and prescribes the membership and powers and duties of the San Diego Metropolitan Transit Development Board. Under the act, the board consists of 15 members of whom one, the chairperson, is appointed by the Governor with the advice and consent of the Senate. The board is authorized to adopt ordinances.

This bill would impose a state-mandated local program by requiring the board, by a ⅔ vote, as specified, to elect one person who would be the chairperson. The bill would specify that the chairperson serves for a 4-year term unless removed by a ⅔ vote of the board. If the person elected chairperson is also a member of the board, the bill would prohibit the appointing authority from filling the vacancy so created, would reduce the membership of the board to 14 as long as that person serves as chairperson, and would require that person to resume his or her former position on the board if removed as chairperson.

The bill would also impose a state-mandated local program by prescribing the manner of publication of proposed ordinances and ordinances adopted by the board.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

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This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1398 (AB 3942) Harvey. Health: fees: food, drugs, devices, and cosmetics.

(1) Existing law, the Sherman Food, Drug, and Cosmetic Law permits any authorized agent of the State Department of Health Services to perform specified inspections and samplings related to food, drugs, devices, and cosmetics. Existing law also requires a person, upon first engaging in the manufacture, packing, or holding of processed food, to register with the department, as specified.

This bill would authorize any person who ships to another state or country a food, drug, or device manufactured or produced in this state to request the department to issue an export document to reference the shipment of the food, drug, or device. The bill also would require each export document issued to contain specified information, and would authorize the department to refuse to issue an export document for specified reasons. If the department were to refuse to issue an export document, the bill would require the department to inform the person requesting an export document in writing of the reason for the refusal.

This bill would require each person requesting the department to issue an export document to pay a nonreturnable fee of $6 for each separate request, as defined. The bill would require the fee amounts to be adjusted annually pursuant to a specified provision. The fees would be prohibited from exceeding the reasonable costs of the department in administering the program.

This bill would make it unlawful for any person to knowingly supply the department with false material facts in a request for an export document or to falsely represent that the department has issued an export document, violation of which would be a misdemeanor under existing provisions of law. The changing of a definition of a crime would impose a state-mandated local program.

(2) Existing law authorizes the department to annually adjust various health regulation fees, and requires the department annually to publish a list of the actual numerical fee charges for each permit, license, certificate, or registration. Existing law provides that the adjustment of, and publication of the fee list for prescribed laboratory certification fees is exempted from certain statutory procedures controlling the adoption of administrative regulations until January 1, 1992.

The bill would include the fee for export documents as well as other specified fees within those provisions, and would modify this provision to permanently exempt the adjustment and publication of all these fees from the statutory procedures controlling the adoption of administrative regulations.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1399 (SB 2317) Lockyer. Public Employees' Retirement System: benefits.

The Public Employees' Retirement Law defines "state peace officer/firefighter member" in terms of employees employed by specified state departments in specified job classifications and provides higher retirement benefit formulas and higher employer and employee contribution rates for state peace officer/firefighter members than for state miscellaneous members.

This bill would add an additional definition which would include certain bailiffs and security coordinators of the judicial branch within the state peace officer/firefighter membership category and would confer peace officer status for law enforcement purposes upon those security officers. The inclusion of additional employees in that member category would increase the amount of the state's continuously appropriated monthly contributions, which would constitute a General Fund appropriation.

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Ch. 1400 (AB 322) M. Waters. Education: parental involvement.

Existing law provides for a variety of programs designed to enhance pupil achievement in the public schools.

This bill would state legislative findings and declarations relating to the need to establish programs to encourage greater parental involvement with schools in order to maximize pupil achievement.

The bill would require the establishment in specified public schools of a parent involvement program, to contain a process to ensure that parents are consulted and participate in the planning, design, and implementation of the program; a regular and periodic program throughout the school year that provides for training, instruction, and information on specified matters; an annual program statement identifying objectives of the program, and an annual review and assessment of the program's progress in meeting those objectives. The bill would authorize schools that receive specified federal funds and that receive funds for school improvement programs or economic impact aid to receive funds for school improvement plans or economic impact aid only if they comply with specified provisions.

The provisions summarized above would apply only to schools that receive federal funds under specified provisions of federal law.

This bill would impose a state-mandated local program by requiring school districts to adopt, for all other public schools, a policy on parental involvement that is consistent with certain criteria.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 1401 (AB 373) Elder. Catastrophic health insurance.

Existing law does not provide for the arrangement of catastrophic health insurance by the state on behalf of its residents.

This bill would require the State Director of Health Services, in consultation with the Department of Insurance, to contract with a disability insurer or insurers, including a nonprofit hospital service plan, to provide any resident defined catastrophic health insurance, to inform residents of the availability of catastrophic health insurance, to approve the advertising and marketing materials for that coverage, and to provide oversight for all contract obligations of the insurer or provider. The bill would specify that the state would not be liable for any claims arising out of the arrangement with the insurer or provider. The bill would exclude from its catastrophic health insurance any coverage for preexisting medical conditions during the first 10 months of the coverage. The bill would prohibit the catastrophic health insurer or provider from discriminating against applicants because of preexisting medical conditions or demographic factors. The bill would specify eligibility criteria for insurers or other entities entering a contract with the director to provide catastrophic health coverage. The bill would limit any contract under the bill to 3 years, but would authorize a contract provision allowing the director to terminate the contract for specified cause on 60 days' notice to the insurer or provider, or 120 days' notice, as specified, and to terminate the contract on any anniversary date without cause. The bill would require premiums or charges for catastrophic coverage provided thereunder to include an increment to defray the administrative costs under the bill of the State Department of Health Services including an advisory committee which would be created and remain in existence until January 1, 1993, with prescribed membership to assist the department in developing and monitoring contracts with insurers and providers under the bill. Committee members would be entitled to reimbursement for their expenses.

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Ch. 1402 (AB 1721) Friedman. Insurance discrimination: sexual orientation.

(1) Existing law prohibits health care service plans from canceling coverage except for specified reasons.

This bill would prohibit health care service plans from refusing to enter into, canceling, or declining to renew or reinstate a contract because of race, color, national origin, ancestry, religion, sex, marital status, sexual orientation, or age. It would also prohibit modification of the terms of the contract, including terms relating to price, for those reasons, except that premium, price, or charge differentials based on sex or age would be permitted if based upon specified data. However, the bill would provide that these provisions shall not be construed to permit a health care service plan to charge different premium rates to individual enrollees within the same group solely on the basis of the enrollee's sex.

(2) Existing law prohibits life and disability insurers from discriminating in eligibility or rates for insurance on the basis of race, color, religion, ancestry, or national origin.

This bill would prohibit life and disability insurers from discriminating, as to eligibility or rates, on the basis of sexual orientation. The bill would prohibit these insurers from considering sexual orientation in their underwriting criteria or utilizing marital status, living arrangements, occupation, gender, beneficiary designation, or zip codes or other territorial classifications to establish sexual orientation or to determine whether to require a test for human immunodeficiency virus or antibodies thereto. However, the bill would not limit existing authority of insurers to require these tests or existing authority of the Insurance Commissioner to adopt and enforce antidiscrimination regulations. The bill would authorize civil penalties from $1,000 to $5,000 for each violation.

(3) This bill would also prohibit nonprofit hospital service plans from refusing to cover, or refusing to continue to cover, or limiting the amount, extent, or kind of coverage available to an individual, or charging a different rate for the same coverage because of race, color, religion, national origin, ancestry, or sexual orientation. The bill would prohibit these plans from considering sexual orientation in their underwriting criteria or utilizing marital status, living arrangements, occupation, gender, beneficiary designation, or zip codes or other territorial classifications to establish sexual orientation or to determine whether to require a test for human immunodeficiency virus or antibodies thereto. However, the bill would not limit the existing authority of the plans to require these tests or the existing authority of the Insurance Commissioner to adopt and enforce antidiscrimination regulations. The bill would authorize civil penalties from $1,000 to $5,000 for each violation.

Ch. 1403 (AB 2040) Farr. Driving offenses: ignition interlock devices.

(1) Under existing law, the Bureau of Automotive Repair is required to administer and enforce the Automotive Repair Act. Also under existing law, upon conviction of a person for driving a motor vehicle under the influence of alcohol, a drug, or a combination thereof, or driving with an excessive blood-alcohol concentration, or driving when addicted to any drug, the courts are required to impose specified penalties, and if that sentence is stayed and the person is granted probation, the court is required to impose specified minimum terms and conditions of probation. Those penalties may include the revocation of the driving privilege or the required participation in an alcohol and drug treatment program, as specified.

This bill would authorize a court to order an offender, as specified, of those driving offenses, if granted probation, to have a certified ignition interlock device, as described, installed on motor vehicles owned or operated by him or her. A violation of various prohibitions relating to the device would be a misdemeanor, thus, the bill would impose a state-mandated local program by creating a new crime. The bill would require the bureau to cooperate with the Office of Traffic Safety and adopt standards for the installation of and designate stations for the installation of ignition interlock devices. The bill would require manufacturers of those devices to comply with installation standards established by the bureau, and would authorize the bureau to charge those manufacturers a fee to recover the cost of monitoring those installation standards. Since failure to comply with those standards would be a misdemeanor under other provisions of law, the bill would, thus, impose a state-mandated local program by creating a new crime.

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The bill would provide that it is the defendant's responsibility to pay for the purchase and installation of any ignition interlock device ordered pursuant to those provisions. The bill would require the court to order the defendant to pay those costs within 6 months, as specified, and would provide that no county is required to pay any of those costs. The bill would require the Office of Traffic Safety to consult with the presiding judge or his or her designee in each county to determine an appropriate means, if any, to provide for installation of ignition interlock devices in cases in which the defendant has no ability to pay.

The bill would provide that after a specified license revocation period, a restricted license may be granted upon the satisfaction of designated conditions, including completion of all or a specified portion of a treatment program, installation of an ignition interlock device, and providing proof of financial responsibility.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(3) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1404 (AB 2434) Elder. School facilities fees: refunds

Under existing law, as it read between March 14, 1988, and September 30, 1989, inclusive, the authority of a school district governing board to impose a specified fee, charge, dedication, or other requirement against residential construction that was not new construction was limited to any development project having a value in excess of $20,000

This bill would entitle any person who paid a fee, charge, dedication, or other requirement pursuant to that authority to a refund, no later than June 1, 1991, from the school district that received the payment if the actual cost of completing the residential construction, as specified, was $20,000 or less, and the person submits to that school district a written refund request together with documentation of the payment and the cost of the project. These provisions would apply only to single-family homes when the fee was paid by the owner-builder. This bill would thereby impose a state-mandated local program as to the school districts that are required to refund those payments.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 1405 (AB 2571) Vasconcellos. Claims against the state. appropriation. [33]

This bill would appropriate $1,465,878.14, as scheduled, to the Secretary of the State Board of Control to pay claims accepted by the State Board of Control, as specified.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1406 (AB 2707) La Follette. Waste management.

(1) Existing law requires each city, except as specified, to prepare, adopt, and submit to the county a household hazardous waste plan on or before the next review of the countywide integrated waste management plan occurring after January 1, 1990. The household hazardous waste plan is required to be in the form of an attachment to the county plan. This provision of existing law superseded the requirement for household hazardous waste components in the California Integrated Waste Management Act of 1989 enacted by Chapter 1095 of the Statutes of 1989.

This bill would repeal provisions of existing law which superseded requirements in the California Integrated Waste Management Act of 1989 concerning county solid waste

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management plans and the issuance of solid waste facilities permits and would impose a state-mandated local program by requiring each city to prepare, adopt, and submit by July 1, 1991, to the county in which it is located a household hazardous waste element of specified content. The bill would require each county and city and county to prepare and submit to the board with the countywide integrated waste management plan, required under the California Integrated Waste Management Act of 1989, all city household hazardous waste elements and a county household hazardous waste element for residences in the unincorporated area of the county. The bill would thereby delete the inclusion of the household hazardous waste components from the city and county source reduction and recycling elements as provided by the act. The bill would make other conforming changes

These provisions of the bill would become operative only if AB 3992 is enacted.

(2) Existing law requires any solid waste facility permit for a new or expanded landfill or waste-to-energy facility to include a condition prohibiting the acceptance of solid waste originating in a county which has not submitted a hazardous waste element, as specified.

This bill would, if AB 3992 is enacted, repeal that provision.

(3) Existing law prohibits a county or city from exporting solid waste to any other jurisdiction unless the exporting county or city has an approved city source reduction and recycling element or a countywide integrated waste management plan by a specified date, except as specified.

This bill would change the condition on that prohibition to require the exporting county or city to have an approved county or city hazardous waste element and a source reduction and recycling element or to have submitted a countywide integrated waste management plan, except as specified.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1407 (AB 2817) Bane. Drivers' licenses: restrictions in lieu of suspensions.

(1) Under existing law, the Department of Motor Vehicles may, upon application and payment of specified fees, in lieu of a suspension of a person's driving privilege, restrict the person's driving privilege to necessary travel to and from work and driving required in the person's course of employment.

This bill would, in addition, include, within that restricted driving privilege, necessary travel to transport a minor dependent in the person's immediate family to and from an institute of primary or secondary instruction. The bill would specifically permit the department to deduct its costs incurred in administering these provisions from the fees collected under these provisions.

Since, under other provisions, a violation of these restrictions would be a crime, the bill would impose a state-mandated local program.

(2) Existing law also permits the department, upon application and payment of specified fees and penalties and filing of proof of financial responsibility by a person with a suspended license, to issue a restricted license for driving necessary to receive medical treatments of a prolonged or repetitive nature.

This bill would also permit the department to issue a restricted license under these provisions if a member of the applicant's immediate family requires medical treatment of that nature. The bill would require, as to either the applicant or the family member, that no other suitable means of transportation is available. The bill would specifically permit the department to deduct its costs incurred in administering these provisions from the fees collected under these provisions.

Since, under other provisions, a violation of these restrictions would be a crime, the bill would impose a state-mandated local program.

(3) Existing law also authorizes the department to restrict rather than suspend a license, for purposes of driving to and from the person's employment, upon payment of specified fees.

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This bill would authorize persons who have paid the fees for either a restricted license for driving to and from employment or a restricted license for driving necessary to receive medical treatment, to also receive the other type of restricted license without paying additional fees.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(5) This bill would incorporate additional changes in Section 16077 of the Vehicle Code, proposed by AB 3470, to be operative only if AB 3470 and this bill are both enacted and become effective on January 1, 1991, and this bill is enacted last.

Ch. 1408 (AB 3028) Floyd. Horseracing: match jumping races.

Existing law defines "match jumping race" as a horserace, over obstacles made of artificial or natural material, which is shorter than a steeplechase course, and is run by 2 horses for time with faults converted to time, the requirements and rules for which are required to conform to the requirements and rules of the American Horse Shows Association.

This bill would change the name of that type of horserace to a "show jumping race", would authorize the race to be run by more than 2 horses, and would make related, conforming changes.

Ch. 1409 (AB 3253) Eaves. Insurance: agents and brokers.

Existing law provides that after a written agency contract has been in effect for at least one year, it shall not be terminated or amended by an insurer, except by mutual agreement, unless 120 days' advance written notice has been given by the insurer to the agent.

This bill would provide, notwithstanding the above, that termination of a written agency agreement between an automobile insurer and an insurance agency shall not terminate the agency as to servicing of certain automobile policies, except as specified. The bill would prohibit its provisions from limiting the right of a withdrawing insurer not to renew a policy of automobile insurance, as specified.

These provisions would remain in effect until January 1, 1996, when they would be repealed.

Ch. 1410 (AB 3470) Burton. Drivers' licenses.

(1) Existing law authorizes the Department of Motor Vehicles to issue a restricted driver's license to enable a person with serious health problems and a suspended license to drive a motor vehicle to receive medical treatments, upon application signed by a physician and surgeon, as specified.

This bill would allow those applications to be signed by licensed psychotherapists, as defined, and would allow the issuance of a restricted license to drive a motor vehicle to receive mental health treatments.

(2) This bill would incorporate additional changes in Section 16077 of the Vehicle Code, proposed by AB 2817, to be operative only if AB 2817 and this bill are both enacted and become effective on January 1, 1991, and this bill is enacted last.

Ch. 1411 (AB 3580) Katz. Local taxes: graffiti.

The Bradley-Burns Uniform Local Sales and Use Tax Law and the Transactions and Use Tax Law provide, as specified, for the imposition of sales and use taxes by cities, counties, and local districts, which are administered by the State Board of Equalization.

This bill would authorize a city or county, or city and county, to levy a tax by ordinance, approved by a ⅔ vote of the electors, at specified rates on the sale at retail within its jurisdiction of aerosol paint containers, containers of any other marking substance, felt tip markers with a specified writing surface, and any other marking instrument, as defined. It would require that any ordinance levying a tax pursuant to this bill provide that the local entity imposing such a tax shall contract with the State Board of Equalization to administer and enforce the tax, and that the ordinance is repealed no later than

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5 years after its effective date. It would require the tax to be collected by every retailer of a taxed item and would require the retailer to remit the tax to the board. It would require the board to allocate the tax revenues, as specified, and would require each local entity to expend those revenues for purposes of the removal and prevention of graffiti, or for educational programs for at-risk youth to prevent graffiti vandalism. It would also provide that certain existing provisions with respect to local taxes shall, to the extent feasible and subject to specified exceptions, govern the administration of any tax so imposed.

Ch. 1412 (AB 3850) W. Brown. California State World Trade Commission: developing nations. [34]

Under existing law, the California State World Trade Commission serves as the primary state agency responsible for coordination of activities to expand international trade for the state.

This bill would establish within the commission a computerized data base to assist developing nations, consistent with federal law, in their conversion to democracy and to promote their economic development. The bill would prescribe the purpose, content, and form of the data base.

The bill would appropriate $25,000 to the commission to establish the data base.

Ch. 1413 (AB 3994) Sher. Environmental advertising.

(1) Existing law provides that it is unlawful to make any false or misleading advertising claims that purport to be based on factual, objective, or clinical evidence, or that compare a product's effectiveness or safety to that of other brands or products, as specified.

This bill would make it unlawful for any person to represent that any consumer good, as defined, which it manufactures or distributes is "ozone friendly," "biodegradable," "photodegradable," "recyclable," or "recycled" unless that article meets specified definitions or meets definitions established in trade rules adopted by the Federal Trade Commission.

The bill would also require any person who represents that any consumer good which it manufactures or distributes is not harmful to, or is beneficial to, the natural environment, through the use of specified terms, to maintain in written form in its records information and documentation supporting the validity of the representation, as specified. The bill would require this information and documentation to be furnished to any member of the public upon request and to be fully disclosed to the public, within the limits of all applicable laws. The bill would make violation of the requirement a misdemeanor, punishable as prescribed, thereby imposing a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1414 (AB 4165) Eastin. Public agencies.

(1) The Local Agency Public Construction Act generally regulates contract payments on local public work projects.

This bill would, until January 1, 1994, prescribe a process utilizing informal conferences, nonbinding judicially supervised mediation, and judicial arbitration to resolve disputes on construction claims of $375,000 or less. Local agencies would be required to incorporate this process in the plans and specifications for any work which could give rise to a claim under the bill. The resulting costs to local agencies would constitute state-reimbursable, state-mandated local program costs.

(2) Under the act, unless the amount involved in the purchase at any one time of any articles for which no contract has been entered into exceeds $4,000, the board of a public utility district may purchase the articles without the necessity of advertising or letting contracts.

This bill would increase this amount to $10,000.

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(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 1415 (SB 606) C. Green. County superintendents of schools: homeless pupils.

Existing law authorizes county boards of education to enroll certain pupils in community schools.

This bill would authorize county boards of education to enroll homeless children, as defined, in community schools. The bill would deem the county superintendent of schools providing educational services to homeless children to be the district of residence of those children for purposes of making apportionments from the State School Fund and the levying of local taxes. The bill would prescribe the revenue limits for county superintendents of schools who provide education for homeless children pursuant to those provisions.

Ch 1416 (SB 737) Marks. State and local agency contracts.

Existing law authorizes, but does not require, local governmental agencies to accept the certification of a socially and economically disadvantaged business concern by the Department of Transportation as valid status of that business when awarding contracts to socially and economically disadvantaged business concerns.

This bill would require the department to also certify minority business enterprises and women business enterprises for purposes of public contracts for transportation-related projects and would provide either that the departments' or the local agencies' certification forms can be used under specified circumstances.

Ch. 1417 (SB 2031) Presley. Drugs.

Existing law requires a person convicted of certain controlled substance offenses to register, as specified, with the law enforcement authority of the city, county, or city and county in which he or she resides or is temporarily domiciled, within 30 days after coming into that city, county, or city and county. Existing law provides that a knowing violation of any of these registration requirements is a misdemeanor.

This bill would extend these registration requirements to a person who is convicted of unlawfully possessing a specified controlled substance, including, among others, amphetamine, methamphetamine, and PCP Thus, the bill would expand the scope of an existing crime and require local law enforcement authorities to register these offenders and enforce the registration requirements, thereby imposing a state-mandated local program.

Existing law requires the Department of Justice to establish a Clandestine Laboratory Enforcement Program to assist state and local law enforcement and prosecutorial agencies in apprehending and prosecuting persons involved in the unlawful manufacture of controlled substances, as specified. In addition, existing law requires the Department of Justice to submit reports to the Legislature concerning the program on or before January 10, 1989.

This bill would include legislative findings and declarations concerning clandestine laboratories in California which produce methamphetamine. In addition to existing law, the bill would create the Crank-Up Task Force Program, as specified, within the Department of Justice as part of the Clandestine Laboratory Enforcement Program with responsibilities related to coordinating state and local efforts to clean up clandestine laboratories used to manufacture methamphetamine.

The bill also would delete existing law concerning the submission of reports by the Department of Justice concerning the Clandestine Laboratory Enforcement Program, and, instead, would require the department to annually report to the Legislature on its

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activities, accomplishments, and expenditures, as specified, beginning on April 1, 1991, and on the effectiveness of the Clandestine Laboratory Program, as specified.

The bill would reappropriate $3,000,000 from the Crack-Down Task Force Program, as appropriated in a specified Item of the Budget Act of 1990, to the Department of Justice to implement the program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that for certain costs no reimbursement is required by this act for a specified reason.

However, the bill would provide that if the Commission on State Mandates determines that this bill contains other costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be payable from the State Mandates Claims Fund.

In addition, the bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1418 (SB 2281) Robbins. Insurance: insurable interest.

SB 2642, if enacted, would, among other things, impose continuing education requirements on certain insurance agents.

This bill would, contingent upon the enactment of SB 2642, exempt from certain continuing education requirements, life agents who are limited to the transaction of certain life insurance policies or annuities designated for the payment of funeral and burial expenses.

Existing law provides that every person has an insurable interest in the life and health of himself or herself, any person on whom he or she depends for support or education, any person under a legal obligation to him or her, as specified, and any person upon whose life any estate or interest vested in the insured depends.

This bill would provide that an insurable interest, with reference to life and disability insurance, is an interest based upon a reasonable expectation of pecuniary advantage through the continued life, health, or bodily safety of another person and consequent loss by reason of that person's death or disability or a substantial interest engendered by love and affection in the case of individuals closely related by blood or law.

The bill would provide that an individual has an unlimited insurable interest in his or her own life, health, and bodily safety and may lawfully take out a policy of insurance on his or her own life, health, or bodily safety and have the policy made payable to whomsoever he or she pleases, regardless of whether the beneficiary designated has an insurable interest.

It would also provide that an employer has an insurable interest in the life or physical or mental ability of any of its directors, officers, or employees or any other person whose death or physical or mental disability might cause financial loss to the employer; and in the life of certain shareholders; and in certain other cases. It would also provide that a charitable organization may effectuate life or disability insurance, as specified.

The bill would provide that an insurable interest must exist at the time the contract of life or disability insurance becomes effective, but need not exist at the time the loss occurs.

The bill would provide that any contract of life or disability insurance procured or caused to be procured upon another individual is void unless the person applying for the insurance has an insurable interest in the individual insured at the time of the application.

The bill would provide that an insurer may rely upon statements, declarations, and representations concerning the insurable interest of the applicant in the insured, as specified.

Existing law authorizes the issuance of group life insurance covering employees if, among other things, it is issued to an employer for the benefit of persons other than the employer

This bill would provide that that group insurance may be for the benefit of a trustee of a pension, welfare benefit plan, or trust established by an employer providing life,

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health, disability, retirement, or similar benefits to employees of the employer or its affiliates, where the trustee has an insurable interest in the lives of the employees and where the employee has consented in writing to the coverage.

Ch. 1419 (SB 2607) Seymour. Community Crime Resistance Program.

Existing law provides for the California Community Crime Resistance Program to combat crime and juvenile delinquency under the Office of Criminal Justice Planning. The program establishes criteria for the selection of communities to receive funding of up to $250,000 for a 12-month period.

Existing law requires local programs receiving support under this program to carry out as many specified activities, as deemed, in the judgment of the Office of Criminal Justice Planning, to be consistent with the resources available.

This bill would exempt an alternative community policing program, as specified, from the $250,000 maximum award restriction. This bill would provide that in no case shall "community policing" include expenditures for the purchase of law enforcement equipment which would have been purchased from existing resources in the normal course of business. The selection of communities which would receive funding as an alternative program would be based upon specified considerations.

The bill would require the Executive Director of the Office of Criminal Justice Planning to continue to prepare reports to the Legislature, as revised by the bill.

The bill also would specify that it is the intent of the Legislature that funding for a community policing program in targeted neighborhoods that are drug infested, as specified, be provided for in accordance with specified provisions of the Budget Act of 1990.

Ch. 1420 (SB 2642) Robbins. Insurance agents and brokers.

(1) Existing law provides for the licensure of persons who sell various categories of insurance. Existing law provides for the separate licensure of insurance agents and brokers, who transact insurance other than life insurance, and for life agents.

This bill would eliminate insurance agent and insurance broker as categories of licensure, and would instead provide for licensure of fire and casualty insurance broker-agents. It would also eliminate categories of licensure for disability agents, and for variable contract agents. Under the bill, fire and casualty broker-agents could be authorized to act as brokers or agents. The bill would permit a person licensed as a fire and casualty broker-agent or a life agent to transact disability insurance.

The bill would also revise provisions related to exercising authority on behalf of an employing licensee, relative to certificates of convenience, powers after termination of an organizational license, and requirements that certain broker-agents give notice of the effective date of coverage It would make related changes.

The bill would revise applicable fees by setting forth a new fee schedule. Since the fees would be deposited into the continuously appropriated Insurance Fund, this would result in an appropriation.

(2) This bill would require licensees to annually and satisfactorily complete certain specified courses and programs as may be approved by the Insurance Commissioner.

The bill would also provide for prelicense education, as specified. It would require the commissioner to appoint a curriculum board, as specified.

The provisions relating to continuing education would be repealed on January 1, 1998.

(3) The bill would require the Auditor General to report on the effect of the bill by March 31, 1994.

(4) The bill would become operative on January 1, 1992, except as specified.

Ch. 1421 (SB 2714) Vuich. Trade barriers: study. [35]

This bill would require the California State World Trade Commission to select and hire a consultant, institution, or other public or private individual or entity to review, analyze, catalogue, and develop, as specified, a computerized data base of all significant agricultural trade barriers, including nontariff and institutional trade barriers, imposed by nations which are part of the General Agreement on Tariffs and Trade (GATT).

The bill would appropriate $100,000 to the commission to contract with the consultant, institution, or other public or private individual or entity, as specified.

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The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1422 (AB 4230) Burton. Pilots: vessels.

(1) Existing law makes the owner, operator, and agents of a vessel liable for $150 per day up to a maximum of $1,500 when a pilot is unwillingly carried out to sea or unnecessarily detained on board a vessel.

This bill would increase that amount to $600 per day and delete the maximum.

(2) Existing law exempts a vessel in tow of a tug from pilotage charges.

This bill would limit that exemption to nonself-propelled vessels.

(3) Existing law requires a bond to be executed and filed with the Board of Pilot Commissioners of San Francisco, San Pablo, and Suisun Bays before a pilot may pilot a vessel.

This bill would delete that requirement.

(4) Existing law requires the pilots to appoint one of their members as a port agent to perform specified duties.

This bill would redesignate that person as president.

(5) Existing law prohibits renewal of the license of a pilot who has been inactive for one year unless certain findings are made, including a grant of a leave of absence.

This bill would delete the provision regarding a leave of absence.

(6) Existing law requires a quorum of the board to include an industry member and a pilot member.

This bill would delete those provisions.

(7) Under existing law, vessels entering a port of the Bays of San Francisco, San Pablo, and Suisun for specified purposes pay ½ the full pilotage rates.

This bill would delete those provisions, thus subjecting those vessels to the payment of full pilotage rates, and thereby making an appropriation, since a percentage of the increased fees would be deposited in the Board of Pilot Commissioners' Special Fund, which is continuously appropriated for specified purposes.

(8) Existing law authorizes the board to appoint and fix the compensation of a secretary, and prescribes the duties of the secretary.

This bill would instead provide for the appointment of an executive director and an administrative assistant/secretary to the board, with specified duties.

(9) Existing law requires proper federal endorsements to pilot on those bays and tributaries, except, in the case of pilots licensed prior to a specified date, for the Ports of Sacramento and Stockton.

This bill would apply that exception instead to the San Joaquin River and the Sacramento deep water ship channel

(10) Existing law adopts a specified schedule of minimum pilot fees for ship movements and internal operations.

This bill would instead adopt the schedule published by the San Francisco Bar Pilots on January 1, 1990.

(11) Existing law prescribes a procedure whereby any party directly affected by pilotage rates can require the Board of Pilot Commissioners to hold a hearing on pilotage rates, to make findings concerning pilotage rates, and to submit its findings and recommendations to the Legislature. Under existing law, the public hearings are conducted by the board in accordance with the Bagley-Keene Open Meeting Act

This bill would require, until December 31, 1995, that the hearings be conducted by an administrative law judge appointed by the Director of the Office of Administrative Hearings, and would require the board to review the findings of the administrative law judge.

(12) The bill would make various conforming changes and would delete obsolete provisions.

Ch. 1423 (SB 2810) Marks. Pilots.

(1) Under existing law, there is in state government a Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun. The board has specified members including pilots, industry representatives, and public members, and may employ a secretary.

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This bill would impose specified restrictions on public members appointed on or after January 1, 1991. The bill would provide for the appointment and duties of an executive director, and would change the name of the secretary to the administrative assistant/secretary and revise that person's duties. The bill would delete obsolete provisions.

(2) Under existing law, pilots and inland pilots are required to pay the board 5% of all pilotage fees to pay for board services.

This bill would instead provide for a surcharge, not to exceed 7.5%, of all pilotage fees to pay for the services of the board and its staff and its incidental expenses. The bill would thereby make an appropriation, since the money received by the board is deposited in the Board of Pilot Commissioners' Special Fund and continuously appropriated for specified purposes.

(3) Under existing law, the board is required to hold hearings to determine issues relating to pilotage rates.

This bill would, until December 31, 1995, require the board to arrange for the conduct of those hearings by an administrative law judge.

Ch. 1424 (AB 2110) Wright. Hazardous waste: reporting requirement and fees.

(1) Existing law prohibits public agencies from payment of any fees for the performance of an official service, except that existing law exempts from this prohibition fees or charges paid by operators to the State Director of Health Services for hazardous waste disposal sites.

This bill would revise this exemption to instead exclude fees or charges paid to the State Director of Health Services, or the State Board of Equalization pursuant to the laws regulating hazardous waste or the Carpenter-Presley-Tanner Hazardous Substance Account Act.

(2) Existing law requires every person who submitted for disposal or who disposed of in the state or outside of the state, or who submitted for treatment at a location outside of the state, more than 500 pounds of hazardous waste during the preceding calendar year to report to the State Board of Equalization specified information concerning the disposal of that hazardous waste.

This bill would make a technical correction in that provision.

(3) Existing law provides that a person who is issued a variance by the State Department of Health Services from the requirement of obtaining a hazardous waste facilities permit or grant of interim status or a person who is in a closure period approved by the department is not subject to a specified facility fee in any fiscal year in which the facility has completed all activities necessary for the facility to be closed in accordance with the approved closure plan.

This bill would instead provide that that person is not subject to that fee for the fiscal year following any fiscal year in which the facility has completed all activities necessary for the department to approve the closure. The bill would exempt facilities operating pursuant to a permit by regulation from the facility fee payment requirement.

(4) Existing law requires the State Board of Equalization to impose a fee upon potentially responsible parties for the department's cost of oversight of removal or remedial actions. The Hazardous Substance Cleanup Arbitration Panel is authorized to apportion liability for the costs of removal and remedial action specified in the final remedial action plan

This bill would authorize a person assessed this fee to seek contribution or indemnity from a responsible party for the removal or remedial action and would allow the panel to apportion liability for the fees.

Ch. 1425 (AB 2849) Hauser. Wildlife: habitat.

(1) Existing law authorizes the Department of Fish and Game to expend funds for the improvement of lakes and streams for fish, as specified, and to carry out habitat improvement on private land, with permission, without the state acquiring an interest in the property.

Existing law also authorizes, with specified exceptions, the department to enter into contracts for fish and wildlife habitat preservation, restoration, and enhancement, as specified, which contracts are declared to be contracts for services governed by specified

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provisions of the State Contract Act and not subject to specified provisions of the Labor Code. Excepted from that law are contracts exceeding $50,000 in cost for fish and wildlife habitat preservation, restoration, and enhancement, as specified.

This bill would except contracts with public agencies, nonprofit organizations, or Indian tribes from that exception, and would exclude the cost for gravel from the determination of the cost of the contract. The bill would also except construction of temporary storage buildings from that law.

The bill would also authorize the department to grant funds for fish and wildlife habitat preservation, restoration, and enhancement to nonprofit entities when the department makes specified findings.

(2) Existing law authorizes the Director of Fish and Game to enter into contracts for the conservation of waterfowl and waterfowl habitat with nonpublic entities which are landowners, or with lessees of landowners, of land determined by the director to be important for the conservation of waterfowl. Under those contracts, the use of the land is restricted and the department makes payments for the restriction on the use.

This bill would except those contracts from specified provisions of the Public Contract Code which would otherwise be applicable to those contracts.

(3) Existing law continuously appropriates the money in the Fish and Game Preservation Fund to the department to carry out the Fish and Game Code.

Because this bill would add new duties and authorize the expenditure of funds from that fund for new purposes, the bill would make an appropriation.

Ch. 1426 (AB 2994) Eaves. State Fire Marshal· public address system.

Under existing law, the State Fire Marshal has various duties and responsibilities regarding public fire safety, including, but not limited to, adopting regulations concerning the fire safety of certain buildings and structures.

This bill would require the State Fire Marshal to adopt regulations to require a public address system with an emergency backup power system for all buildings or structures constructed on or after July 1, 1991, which are intended for public assemblies of 10,000 or more persons. This bill would require the State Fire Marshal to adopt regulations to require any existing building or structure intended for public assemblies of 10,000 or more persons which, on and after January 1, 1991, has or installs a public address system, to have an emergency backup power system for the public address system. Violation of these regulations would be a misdemeanor under existing provisions of law. By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1427 (AB 3154) Chacon. Elections.

Existing law requires a school district or community district governing board to either order an election or make a provisional appointment to fill a vacancy on the governing board caused by a resignation containing a deferred effective date. If a provisional appointment is made, the registered voters of the district may petition for a special election to fill the vacancy. The petition is sufficient if it is signed by a certain percentage of the registered voters of the district, as specified.

This bill would provide instead that the petition shall be deemed to bear a sufficient number of signatures if signed by either the specified percentage of registered voters or 25 registered voters, whichever is greater.

Existing law provides that, as an alternative to notice by newspaper, a county superintendent of schools having jurisdiction over a school district or community college district election may post notice of the election in specified locations not later than 20 days prior to the election.

This bill would change the posting date from 20 days to 90 days.

Existing law generally requires the county clerk or the registrar of voters responsible for the conduct of a school district election or a community college district election to

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cause formal notice of the election to be published by newspaper pursuant to specified provisions of law, except when the notices are posted.

This bill would limit the application of this provision to elections for governing board members.

This bill would also require an election official responsible for the conduct of a ballot measure election to cause formal notice of the election to be published by newspaper pursuant to specified provisions of law, except when the notices are posted.

Existing law prescribes a procedure for voting by absentee ballot. It provides that if the elections official deems the applicant entitled to an absent voter's ballot, he or she shall deliver the appropriate ballot by mail or in person.

This bill would provide that the ballot may be delivered to the applicant, to the applicant's spouse, or parent, if the applicant is unmarried, but only if the spouse or parent signs a statement, as specified, attested to under penalty of perjury.

Existing law generally provides that the name of a candidate for elective office shall be printed upon the ballot unless the candidate dies and that fact is ascertained by the officer charged with printing the ballots at least 68 days before the election. It imposes a similar requirement relating to candidates for a district elective office unless the candidate's death is ascertained at least 60 days before the election.

Existing law also provides that if a candidate whose name appears on the ballot at any election dies after 12:01 a.m. of the 59th day before the election the votes cast for the deceased candidate shall be counted and if he or she receives a majority of the votes cast, the candidate shall be considered elected and a vacancy exists in that office at the beginning of the term.

This bill would change the reference in this provision from 12:01 a.m. of the 59th day to the 68th day before the election. It would also change the reference in the provision relating to district elections from 60 days to the 68th day before the election.

Existing law requires the city clerk, by a specified day prior to a regularly scheduled municipal election, to notify the governing body that the governing body may appoint to office a nominee or an elector, or hold the election, if no one or only one person has been nominated for an office which is elected on a citywide basis or which is elected from or by a legislative district.

This bill would impose a state-mandated local program by making this notification requirement applicable also where the number of persons who have been nominated for any office or offices to be elected at large does not exceed the number to be filled at the election.

Existing law requires the county clerk of the principal county in which a general district election is to be held to publish a notice of the election which, among other things, states the location where official declarations of candidacy may be obtained.

This bill would impose a state-mandated local program by requiring that the notice include information regarding the office in which completed declarations of candidacy are to be filed, and regarding the deadline for filing those declarations.

Existing law requires the county clerk, with respect to governing board elections for a school district or a community college district, to issue to the public a notice to declare candidacy for governing board member elections.

This bill would delete this requirement.

Existing law provides that if a vacancy occurs in the office of judge of a municipal court because the Governor appointed the incumbent to another office within 59 days of the June primary, and the candidate's name could not be removed from the ballot, the primary election for the office shall be deemed to not have been held and the candidate who receives the most votes at the November general election shall be elected.

This bill would change the reference in this provision from 59 days to 68 days.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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Ch. 1428 (AB 3559) Cortese. Vessels: harbors and marinas.

(1) Existing law requires the Department of Boating and Waterways to establish, by rules and regulations, policies for loans for small craft harbors.

This bill would authorize the rules and regulations to include policies and standards relating to waste separation, reuse, or recycling, as specified.

(2) Existing law authorizes the department to make loans for private recreational marinas and requires the loans to be used for specified purposes.

This bill would authorize, rather than require, the loans to be used for those purposes and to also be used for purposes relating to waste separation, reuse, or recycling.

The bill would also require the department to ensure that berthing fees of those marinas are reasonable.

(3) Existing law requires the department to submit a report by February 1, 1990, to the Boating and Waterways Commission regarding those loans and requires the Director of Boating and Waterways to submit a report in odd-numbered years to the Legislature and the Governor on the operations of the department.

This bill would require that loan information and specified additional information to be included in the department's biennial report and also to be sent to the commission.

(4) Existing law requires the equipping of vessel terminals with sewage pumpout facilities as a condition of those loans and specified concession contracts.

This bill would require the facility to have a notice posted to identify the local enforcement agency where a report may be made if the facilities are not operated or maintained, as specified, thereby imposing a state-mandated local program by creating a new crime. The bill would also make clarifying changes in those provisions and require as a condition of the loan or contract that restrooms be opened to public use within a specified period.

(5) The bill would make additional changes in Section 76.3 of the Harbors and Navigation Code, proposed by AB 3005, to be operative only if AB 3005 and this bill are both enacted and become effective January 1, 1991, and this bill is enacted after AB 3005.

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1429 (AB 3751) Bronzan. Medi-Cal: mental health services.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services and partially funded by the federal government, and under which health care services, and certain mental health services, are provided to eligible low-income persons.

Existing law provides for various community mental health programs, which are administered by the State Department of Mental Health and funded from state and federal sources.

This bill would require the State Department of Mental Health to prepare by January 15, 1991, amendments to the state plan for federal grants for medical assistance, to expand federal financial participation in the costs of community mental health services provided by community mental health programs, and to accomplish other specified objectives.

This bill would require the State Department of Health Services to review the revision of the state plan and, if certain conditions are met, to promptly pursue federal adoption of the revised state plan, or, if it does not recommend adoption, to report on the revisions and the reasons for rejection to the Joint Legislative Budget Committee by July 1, 1991.

This bill would further require the State Department of Mental Health to review and revise the quality assurance standards and guidelines for county mental health services if the revisions in the Medi-Cal state plan for expansion of federal financial participation in mental health services as required by this bill are approved by the State Department of Health Services and submitted for federal approval.

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Ch. 1430 (AB 4109) Chacon. Elections: statewide ballot pamphlet.

Under existing law, the Secretary of State is the chief elections officer of this state.

This bill would correct a reference to a renumbered code section which specifies the powers and duties of the Secretary of State as the chief elections officer.

Existing law specifies the information to be included in the statewide ballot pamphlet as to each state measure to be voted upon.

This bill would revise these information requirements with respect to the analysis of the measure by the Legislative Analyst, the ballot arguments, and the text of the measure.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes with a ⅔ vote of each house and compliance with specified procedural requirements.

This bill, which would declare that it furthers the purposes of the act, would therefore require a ⅔ vote.

This bill would declare that it shall take effect immediately as an urgency statute.

Ch. 1431 (AB 4224) Lancaster. Escrow Agents' Fidelity Corporation.

Existing law provides for the creation of the Escrow Agents' Fidelity Corporation for the purpose of indemnification of a member of Fidelity Corporation against loss of trust obligations as a result of fraud or dishonesty by an officer, director, trustee, stockholder, manager, or employee of a member, subject to specified limitations.

This bill would revise various provisions relating to the Escrow Agents' Fidelity Corporation to specifically authorize the corporation to recover its reasonable costs and attorney's fees in specified instances. The bill would also, among other things, do the following:

(1) Revise certain member assessment provisions, as specified.

(2) Authorize the awarding of reasonable costs and attorney's fees, if the corporation prevails in any action against a member of Fidelity Corporation to recover any assessment or fee.

(3) Condition the taking of possession of the property and business of Fidelity Corporation by the Commissioner of Corporations, in specified instances, upon written order and notice.

(4) Delete a requirement of written consent by the commissioner in order for the corporation to (a) conduct an examination or investigation of a member's handling and processing of trust obligations or failure to pay an assessment, and delete that commissioner consent requirement in order to (b) appoint an independent certified public accountant or public accountant, or hire or appoint a specialized committee or employees to conduct an examination or investigation, as specified.

As to (a), above, submission of a written notice to the commissioner would be required before those actions could be taken.

(5) Expand the powers of Fidelity Corporation relating to examination and audit powers of the corporation and the recovery of costs therefor.

Ch. 1432 (AB 4070) Connelly. Air pollution.

(1) Under existing law, the Department of Consumer Affairs is responsible for developing and implementing in federally designated nonattainment areas a biennial motor vehicle emissions inspection program. The Bureau of Automotive Repair in the department is responsible for administering and enforcing the program. Air pollution control districts and air quality management districts may request the department to implement an inspection program in areas in violation of ambient air quality standards, or within an adjoining district.

This bill would require the State Air Resources Board to request the bureau to implement the program in all districts, except in the Lake Tahoe Air Basin, designated as nonattainment for ozone or carbon monoxide, in which it is not already implemented, unless the problem is caused by transport, as specified, or the program would not mitigate or resolve the problem.

(2) Under existing law, the fee charged by the Department of Consumer Affairs to licensed smog check stations, and by those stations to consumers, for a certificate of

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compliance, is not to exceed $6.

This bill would increase that amount to $7.

(3) Existing law requires the state board to adopt a schedule of fees with the voluntary participation of the districts, to be imposed on persons subject to the Air Toxics "Hot Spots" Information and Assessment Act of 1987, and to be collected by the districts.

This bill would require the state board to adopt a regulation requiring the districts to adopt a fee schedule, as prescribed, thereby imposing a state-mandated local program. The bill would require the state board to annually review its regulation and would allow a district to request the state board to adopt its fee schedule. The bill would authorize the district to initiate permit revocation proceedings upon nonpayment of the fee.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1433 (SB 1874) Presley. Vehicles: inspection and repair.

(1) Under existing law, the Department of Consumer Affairs is responsible for developing and implementing in federally designated nonattainment areas a biennial motor vehicle emissions inspection program. The Bureau of Automotive Repair in the department is responsible for administering and enforcing the program, including the licensing and regulation of motor vehicle pollution control device installation and inspection stations and installers. Air pollution control districts and air quality management districts may request the department to implement an inspection program in areas in violation of ambient air quality standards, or within an adjoining district.

This bill would require the State Air Resources Board to request the bureau to implement the program in districts which are in nonattainment for ozone or carbon monoxide, in which it is not already being implemented, unless the state board determines that the problem is predominantly caused by transport as specified, and the program would not mitigate or resolve the problem. The provision would not apply to the Lake Tahoe Air Basin. The bill would make conforming changes to provisions regulating the stations and installers. The bill would require the department to review the effect of exempting certain vehicles from the program and, if appropriate, authorize the department to exempt those vehicles.

(2) Existing law prescribes procedures for enforcement by the state board of provisions limiting excessive smoke emissions from heavy-duty diesel motor vehicles, including the removal of the vehicle from service until civil penalties are paid.

This bill would require the state board to adopt regulations providing an opportunity for an administrative hearing for a cited vehicle owner prior to the removal and storage of the vehicle, and make a related change.

(3) Existing law prohibits the sale, rental, or lease of a new motor vehicle or vehicle with a new engine in prescribed instances unless the vehicle or engine is certified by the state board. Existing law also provides for the issuance of certificates of compliance or noncompliance by smog check stations.

This bill would prohibit issuance of a certificate of compliance or require a certificate of noncompliance by smog check stations as to those vehicles not certified by the state board, as specified.

(4) Existing law prescribes civil penalties for violations relating to the smog check program.

This bill would revise those penalties.

(5) Under existing law, the fee charged by the Department of Consumer Affairs to licensed smog check stations, and by those stations to consumers, for a certificate of compliance, shall not exceed $6.

This bill would increase that amount to $7.

Ch. 1434 (SB 1547) Maddy. State bonds: selection of underwriters.

Existing law requires that the Treasurer be the sole agent for offering and selling state bonds.

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Existing law specifies that this authority affects only the agent for the sale of bonds and does not affect the bond or any rights or any obligations from it in any other respect.

This bill would repeal this provision.

The bill would specify that the duties of the Treasurer, in exercising the duties of agent for offering and selling bonds, include establishing the timing of a sale, preparation or approval of the documentation for the sale, sole authority to select the underwriters for negotiating the sale, and executing the bond purchase agreement on behalf of the state or the state's agencies.

This bill would require the Treasurer to develop and implement a specified competitive process for the selection of underwriters for negotiated offerings of state bonds. It would also require the Treasurer to use this process for negotiated offerings of state bonds by state financing authorities which act as conduits to provide financing to other public, nonprofit, or private organizations. It would also authorize the Treasurer to select underwriters for a negotiated sale of state bonds by means other than this process if the Treasurer makes a written finding that extraordinary market conditions do not allow enough time to comply with the process without risking financial detriment to the state.

The bill would require that, for negotiated sales of bonds, the Treasurer maintain specified cost information records pertinent to the initial offering of all state bonds, except that this responsibility would be placed upon each state financing authority for bonds issued by that authority. It would also require the Treasurer, for competitive sales, to maintain records of all bids submitted and the documentation of bid verifications.

The bill would require the Auditor General to audit cost records maintained pursuant to the bill and conduct a review of bid records maintained for competitive sales. The Auditor General would also be required to report on whether the bill is being fully implemented, with reports to be submitted to the Legislature on March 1, 1993, and March 1, 1995, for bonds sold during the 2 calendar years immediately preceding the year in which the report is due.

Ch. 1435 (SB 1825) Beverly. Capital and infrastructure planning: report.

Existing law does not require annual reports to be made by the Director of Finance on capital outlay and infrastructure project needs.

This bill would require the director to prepare a report projecting the state's potential need for the financing of major capital outlay projects and infrastructure projects for the period January 1, 1991, through December 31, 2000, inclusive.

The bill would require that the report be submitted to the Governor, the Treasurer, and specified legislative committees by February 1, 1991. Annual updates would be required to be submitted on February 1 of each year thereafter.

The bill would require all state agencies to cooperate with the Director of Finance in preparing and providing information necessary for this report and the updates.

The bill would express the intent of the Legislature that the report and updates be used to plan for the state's long-term financing needs in a manner which will protect the financial integrity of the state.

Ch. 1436 (SB 1286) Seymour. Taxation: low-income housing: assisted housing development.

Existing law provides various programs to create housing for low-income persons.

This bill would state the findings and declarations of the Legislature concerning the need to provide incentives to certain owners of low-income housing to not evict their tenants upon the expiration of specified housing contracts with the federal government. It would also declare specified intent of the Legislature.

Existing provisions of the Personal Income Tax Law and the Bank and Corporation Tax Law generally provide for the recognition of gain or loss to a taxpayer upon the disposition of property, with certain exceptions applicable to specified sales or exchanges.

This bill would provide under both laws that no gain shall be recognized for purposes of taxes imposed by those laws upon the sale of an assisted housing development, as defined, to a majority or more of purchasers who are existing lower income and very

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low income residents, as defined, of that property, provided that all of the proceeds from the sale are reinvested in residential real property, other than a personal residence, in this state within 2 years after the sale. It would also provide under both laws that no gain shall be recognized with respect to a sale of a majority or more of units in an assisted housing development to specified entities who maintain the majority or more of units in an assisted housing development affordable to lower income or very low income persons or families, as specified.

This bill would provide under both laws that no gain shall be recognized for purposes of taxes imposed by those laws upon the sale of real property to a majority or more of existing lower income and very low income residents, as defined, of that property, provided that all of the proceeds from the sale are reinvested in residential real property, other than a personal residence, in this state within 2 years after the sale. This bill would also provide under both laws that no gain shall be recognized with respect to a sale of a majority or more of units converted to condominium interest by the taxpayer to the existing lower income or very low income residents, as defined, of that property, provided that all of the proceeds from the sale are reinvested in residential real property, other than a personal residence, in this state within 2 years after the sale.

This bill would impose specified duties on the Department of Housing and Community Development in connection with the provisions of this bill.

This bill would take effect immediately as a tax levy.

Ch. 1437 (SB 1908) Mello. Housing: assisted housing development.

Existing law requires an owner of an assisted housing development to give at least 6 months' advance notice, as specified, to tenants and to the city and county where certain forms of federal financial assistance are to be terminated or prepaid with respect to those developments.

This bill would require those owners of an assisted housing development who have not, prior to January 1, 1991, given specified notice pursuant to existing law, to provide certain entities with the first opportunity to purchase the development prior to the sale of the development to others.

This bill would repeal its provisions on December 31, 1995.

Ch. 1438 (SB 1913) Petris. Housing.

Existing law requires at least 6 months' advance notice, as specified, to tenants and to the city or county where certain forms of federal financial assistance are to be terminated or prepaid with respect to a multifamily rental housing development. Existing law permits the county or city legislative body to hold a noticed public hearing on the impact of that termination or prepayment.

This bill would make the notice requirement applicable to multifamily rental housing developments that receive governmental assistance under a moderate rehabilitation or property disposition program, would require at least one years' advance notice, and would require additional information concerning the proposed plans for the development, to be included in the notice.

The bill would impose a state-mandated local program by requiring the city or county to send a copy of that notice to the Department of Housing and Community Development.

The bill would repeal all of these notice requirements on January 1, 1995.

The bill would also make certain findings and declarations of the Legislature concerning the anticipated loss of affordable housing units for lower income persons due to the conversion to market rate of certain subsidized housing units. This bill would establish the California Preservation Hotline and Information Service within the Department of Housing and Community Development to provide to tenants and other interested persons information concerning their legal rights and options when their building is being proposed for conversion, as defined.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other

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procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 1439 (SB 2011) L. Greene. General plan: housing element: housing projects.

Existing law requires each city and county to adopt a general plan, relating to land use, consisting of specified elements, including a housing element. Existing law provides that when a proposed housing development project complies with the applicable general plan, zoning, and development policies in effect at the time, the project's application is determined to be complete, and if the local agency proposes to disapprove the project or to approve it upon the condition that the project be developed at a lower density, the local agency must base its decision on specified conditions.

This bill would state findings of the Legislature concerning the lack of affordable housing and declare that it is the policy of the state that development should be guided away from prime agricultural lands and that local jurisdictions should encourage the infilling of existing urban areas. The bill would also provide that a local agency shall not disapprove, except as specified, a housing development project affordable to low- and moderate-income households or condition approval in a manner which renders the project infeasible for development for the use of low- and moderate-income households unless it finds one of the following: (1) the jurisdiction has adopted an adequate housing element, and the project is not needed for the jurisdiction to meet its share of the regional housing need of low-income housing, (2) the project as proposed would have a specific, adverse impact upon the public health or safety which cannot be satisfactorily mitigated without rendering it unaffordable to low- and moderate-income households, (3) the denial of the project or imposition of conditions is required in order to comply with state or federal law and there is no feasible method to comply without rendering the development unaffordable to low- and moderate-income households, (4) approval of the development project would increase the concentration of lower income households in a neighborhood that already has a disproportionately high number of lower income households, as specified, (5) the development project is proposed on land zoned for agriculture or resource preservation which is surrounded on at least 2 sides by land being used for agricultural or resource preservation purposes, and which does not have adequate water or wastewater facilities to serve the project, or (6) the development project is inconsistent with the jurisdiction's general plan land use designation as it existed on the date the application was deemed complete, and the jurisdiction has adopted a housing element pursuant to this article.

This bill would specifically provide that it is applicable to charter cities.

This bill, by requiring local agencies to make specified findings before disapproving or conditionally approving certain housing development projects, would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.

Ch 1440 (SB 2012) L. Greene. Housing.

Under the existing Community Redevelopment Law, a redevelopment agency is authorized to make mortgage or construction loans to finance residential construction which is required to be reserved for occupancy by, or made available to, persons of certain low-income levels. Existing law requires those units that are reserved for occupancy by, or made available to, those persons and financed by the proceeds of bonds

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issued on or after January 1, 1986, to remain occupied by, or made available to, those persons until the bonds are retired. Existing law, effective until January 1, 1991, and applicable to redevelopment agencies which operate within a jurisdiction, the population of which is in excess of 600,000 persons, similarly requires those units that are reserved for occupancy by, or made available to, those persons and financed by the proceeds of bonds issued on or after January 1, 1986, to remain occupied by, or made available to, those persons until the bonds are retired.

This bill would require the units that are constructed under both of those conditions and financed by the proceeds of bonds issued on or after January 1, 1991, to remain occupied by, or made available to, those persons for the qualified project period which is defined as either 15 years after the date when ½ of the units in the project were first occupied or until the bonds are retired, whichever is longer. The bill would also delete the January 1, 1991, date of repeal applicable to redevelopment agencies which operate within a jurisdiction, the population of which is in excess of 600,000.

Under the Housing Authorities Law, a housing authority is permitted to issue revenue bonds for the purpose of financing the construction or development of multifamily rental housing and for the provision of capital improvements in connection with and determined necessary to the multifamily rental housing. Existing law requires that not less than 20% of all the units financed by an authority with any bonds issued on or after January 1, 1986, be occupied by, or made available to, persons or certain low-income levels until the bonds are retired.

This bill would require that not less than 20% of all those units financed by an authority with any bonds issued on or after January 1, 1991, be occupied by, or made available to, persons of certain low-income levels for the qualified project period, as defined.

Existing law permits the California Housing Finance Agency and permits local housing finance agencies to make mortgage loans from the proceeds of bonds issued by the agency for purposes of financing multifamily rental housing developments. Existing law requires, as a condition of receiving financing under these provisions, that the housing sponsor enter into a regulatory agreement with the agency providing that units be reserved for occupancy by lower income households on a priority basis for occupancy until the bonds are retired.

This bill would require, as a condition of receiving financing under these provisions, that the housing sponsor enter into a regulatory agreement with the California Housing Finance Agency or the applicable local housing finance agency providing that those units be reserved for occupancy by those households on a priority basis for occupancy for the term of the bonds or 30 years, whichever is longer.

The amendments to existing law made by the above provisions would be repealed on January 1, 1996.

Existing law authorizes any city or county to issue revenue bonds for the purpose of providing financing for multifamily rental housing and capital improvements in connection with that housing. Existing law specifically requires cities, including charter cities and counties, intending to issue these bonds, to notify the Mortgage Bond Allocation Committee of that intention and requires each city, including a charter city, county, and city and county, which has issued those bonds, to file an annual report concerning the use of the bond proceeds. Under existing law, the authority to issue those revenue bonds, and the notification and reporting requirements, are to be repealed as of January 1, 1993.

This bill would instead provide for the repeal of these provisions on or after January 1, 1996.

Ch. 1441 (SB 2274) Bergeson. Local planning: housing.

(1) Existing law requires each city, county, and city and county to adopt, according to specified deadlines, a general plan for their jurisdiction which includes certain mandatory elements, including a housing element. Existing law requires each city, county, or city and county to bring its housing element into conformity with specified requirements on or before October 1, 1981 Existing law prohibits the Director of Planning and Research from granting an extension of time for the preparation and adoption of the housing element.

This bill would permit the director to grant an extension of time for the preparation

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and adoption of the housing element only in the case of a newly incorporated city or newly formed county which cannot meet those deadlines.

(2) Under existing law, either a council of governments or the Department of Housing and Community Development, in areas with no council of governments, is required to determine, in accordance with specified procedures, the share of a city or county of regional housing needs in all economic sectors of housing. Under these procedures, a council of governments or the department, within 60 days of receipt of a proposed revision by a city or county of this determination, is required to accept the revision or indicate why it is inconsistent with the local regional housing needs.

This bill would require the department to submit to each council of governments, specified information and data for use in the determination of the regional share of the statewide housing need and would require the councils of government to provide the information to each city and county. The bill would authorize a council of governments or the department to modify its earlier determination. The bill would require the council or the department to reduce the share of regional housing needs of a county if one or more cities and counties agree to make up the difference, the transfer of shares only occur between a county and cities within the county, the county's share of low-income and very low income housing is reduced only in proportion to the amount by which the county's share of moderate and above-moderate income housing is reduced, and the council of governments or the department has authority over the approval of the proposed reduction, as specified. The bill would give the city or county the right to request a public hearing to review the determination as specified. If the council of governments or the department indicates that the proposed revision is inconsistent with the regional housing need, the bill would require the city or county to use the share originally determined. The bill would require a council of governments or the department to make adjustments to effectuate any changes under these procedures. The bill would also define a "council of governments" for these purposes, to mean a single or multicounty council created by a joint powers agreement, as specified.

The provisions summarized under this paragraph (2) would create a state-mandated local program by revising statutory procedures required to be followed by cities, counties, and councils of government.

(3) Existing law requires that each planning agency provide an annual report to the legislative body on the status of a plan for implementation of the general plan or part of the general plan, as adopted.

This bill would create a state-mandated local program by requiring the planning agency to include progress in meeting its share of regional housing needs, as specified, within that report.

(4) Existing law establishes a procedure for final adoption of a housing element or amendment to a housing element, including a provision, with a specified exception, that findings of the department are advisory. Existing law, in Chapter 1009 of the Statutes of 1984, expresses legislative intent that "substantial compliance" for this purpose be as interpreted by the court in Camp v. Board of Supervisors, 123 Cal. App. 3d 334.

This bill would make various changes to the procedures for adoption of a final housing element, including a provision specifying that if the department does not find that a housing element is in substantial compliance with statutory requirements, the legislative body of the city or county is required to change the draft element or draft amendment to substantially comply; or adopt the draft element or draft amendment without changes, and include with the resolution of adoption, a resolution containing written findings explaining the reasons the legislative body believes the element or amendment is in substantial compliance. Imposition of these new duties upon a city or county would constitute a state-mandated local program.

(5) The bill would require the department, on or before December 31, 1991, and annually thereafter, to report to the Legislature on the status of housing elements, as specified.

(6) This bill would incorporate additional changes in Section 65584 of the Government Code proposed by SB 727, to be operative only if SB 727 and this bill are both chaptered and become operative January 1, 1991, and this bill is chaptered last.

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(7) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 1442 (SB 476) Robbins. Financial institutions: bank account charges.

Existing law requires banks to maintain and disclose information regarding consumer bank account charges on demand, savings, and time deposit accounts, as defined in specified federal regulations.

This bill would specify that time deposits include a time certificate of deposit.

Ch. 1443 (SB 1452) Garamendi. Summer school programs.

Under existing law, school district governing boards are authorized to provide pupil instruction through the operation of summer school programs.

This bill would establish the California Summer Science and Technology Academy, which would be a statewide program to identify public high school pupils with high academic potential in mathematics, science, and technology, for placement in a program of research work in those subjects in conjunction with university research faculty. The program would be operated under an interagency agreement between the State Department of Education and the University of California, under which the university, in consultation with the California State University, would establish and conduct a pilot project for this purpose at one or more of the University of California campuses, at one or more campuses of the California State University, and at one or more private universities that emphasize research.

Existing law provides for the government of the California State Summer School for the Arts by an 11-member board of trustees.

This bill would expand the board to include 15 members, 4 of whom would be selected, as specified, from a prescribed nonprofit foundation.

Existing law, until January 1, 1995, establishes the California State Summer School for the Arts to provide a training ground for future artists who may wish to study and practice the arts or pursue careers in the major performing arts companies and the commercial and fine arts institutions in the state. No more than 50% of the actual costs of the school may be paid with state funds.

This bill would delete the January 1, 1995, termination date for the school. The bill would declare the Legislature's intent that at least 50% but no more than 75% of the actual costs shall be met with state funds beginning in the 1991–92 fiscal year.

The bill would also revise provisions relating to private funding for the school, and delete an obsolete reporting requirement.

Existing law requires the Board of Trustees of the California State Summer School for the Arts to report to the Legislature on January 1, 1988, regarding the progress and impact of that school.

This bill, instead, would require the State Board of Education to prepare and conduct an evaluation of the California State Summer School for the Arts, as specified, and to report its findings to the Legislature by January 1, 1992.

Ch. 1444 (SB 1636) Roberti. California School Paraprofessional Teacher Training Program.

Existing law provides for the establishment of the Commission on Teacher Credentialing and prescribes the duties and powers of the commission relating to the credentialing of teachers in this state.

This bill would establish the California School Paraprofessional Teacher Training Program, a pilot program to be administered by the commission, for the purpose of recruiting persons employed as paraprofessionals of a school district to enroll in a teacher

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training program that leads to a teaching credential. This bill would require the commission, in consultation with specified entities and representatives, to develop criteria and guidelines for the selection of at least 12 school districts or county office of education with 300 or more classified employees, with a total of 600 program participants who are paraprofessionals, to participate in the pilot program. The bill would require each selected school district or county office of education to provide information and assistance to each paraprofessional it recruits regarding admission to a teacher training program and application for student loan assistance. The bill would also require selected school districts or county offices of education to recruit and organize those school paraprofessionals into separate groups, or "cohorts," for enrollment in a teacher training program at a campus of the California Community Colleges or the California State University. The bill would require each school district or county offices of education to certify that it has received a commitment from each member of a cohort that he or she will complete one school year of classroom instruction in the district or county office of education for each year that he or she receives assistance for books, fees, and tuition while attending a community college or a campus of the California State University under the program.

The bill would require the commission to contract with an independent evaluator with a proven record of experience in assessing career-advancement teacher training programs to conduct an annual evaluation to determine the success of these pilot programs, as prescribed, and to conduct a survey regarding the need for the pilot program in the 1992–93 fiscal year and thereafter.

This bill would appropriate $85,000 from the Teacher Credentials Fund to the Commission on Teacher Credentialing for the purpose of conducting the survey.

Ch. 1445 (SB 1654) Alquist. Driver education.

Existing law authorizes the governing board of a school district to prescribe coursework, in addition to that prescribed by state law, that must be completed before a pupil may receive a high school diploma and authorizes the issuance of a driver's license to persons 16 or 17 years of age who have completed driver education and training in a secondary school, or behind-the-wheel instruction by a driving school and an accredited course or equivalent professional instruction.

This bill would provide that a person who complies with the provision for behind-the-wheel instruction and completion of an accredited course or equivalent professional instruction shall not be required by the governing board of a school district to also complete driver education and training in a secondary school for graduation.

Ch. 1446 (SB 1767) Presley. Claims against the state: appropriation.

Existing law requires the State Board of Control to report to the Legislature when there is no sufficient appropriation available for the payment of a claim against the state allowed by the board.

This bill would appropriate $1,169,043.62, as scheduled, to the Secretary of the State Board of Control to pay claims accepted by the State Board of Control.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1447 (SB 1818) Davis. Municipal courts.

(1) Existing law specifies the fee for reporting testimony and proceedings in contested cases in Kings County.

This bill would increase that fee.

(2) Existing law provides for the number, compensation, and classification of municipal court employees in Los Angeles County.

This bill would revise the number, compensation, and classification of municipal court employees in Los Angeles County, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program.

(3) Existing law requires a revolving fund of $500,000 to be set aside from the revenue of the municipal court for the City of Los Angeles for a reporters' salary fund.

This bill would increase the amount of that fund from $500,000 to $750,000, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program.

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(4) Existing law provides for the number, compensation, and classification of municipal court personnel in Sonoma County.

This bill would revise the number, compensation, and classification of municipal court personnel in Sonoma County, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1448 (SB 1862) McCorquodale. Crimes: trespass.

Existing law sets forth various provisions governing trespass.

This bill, in addition, would provide for an additional crime of trespass, consisting of a credible threat to cause serious bodily injury, as defined, to another and unlawful entry upon specified property and with specified intent, punishable as a felony or as a misdemeanor, thereby imposing a state-mandated local program. This bill would further provide that these provisions shall not apply to persons engaged in labor union activities, as defined.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1449 (SB 2013) Robbins. Transit guideway system: plan and contract for operation.

Under the County Transportation Commissions Act, if an exclusive public mass transit guideway system is proposed to serve 2 or more counties, the transportation commissions of those counties are required to form a joint powers entity to, among other things, supervise the operation of the system. At least one year prior to letting a contract for the operation of the system, the joint powers entity is required to submit to the Legislature its plan for the system and the contract for operation.

This bill would, instead, if state funds are to be used for the operation of the system, require the joint powers entity, at least 4 months prior to implementing service on the system, to submit its plan for operation of the system to the Legislature. The bill would change the term "exclusive public mass transit guideway system" to "commuter or urban rail transit system."

Ch. 1450 (SB 2046) Lockyer. Interpreters for the deaf or hard-of-hearing.

(1) Existing law requires an interpreter, including an interpreter for the deaf or hard-of-hearing, to take a specified oath.

This bill would require interpreters for the deaf or hard-of-hearing to notify the court when unable to comply with that oath.

(2) Existing law provides for the appointment of qualified interpreters, as defined, to assist the deaf or hard-of-hearing in civil and criminal proceedings, as specified. Existing law also specifies various procedures applicable to interpreters for the deaf or hard-of-hearing.

This bill would revise the definition of qualified interpreter, and define the terms appointing authority, interpreter, and intermediary interpreter, for these purposes. This bill would revise the procedures applicable to interpreters for the deaf or hard-of-hearing. The bill would require the Judicial Council to adopt guidelines for designating and to approve agencies, organizations, and educational institutions to certify these interpreters on or before January 1, 1992.

(3) Existing law requires each superior court to establish a list of recommended court interpreters for the deaf or hard-of-hearing.

This bill would, instead, require each superior court to maintain a roster of qualified interpreters for the deaf or hard-of-hearing who are certified, as specified.

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(4) Existing law provides who may claim a particular privilege in a civil or criminal proceeding.

This bill would specify that whenever a deaf or hard-of-hearing person communicates through an interpreter under circumstances in which the communication would otherwise be privileged, the privilege is not waived by the use of the interpreter.

(5) Existing law provides that no statement, written or oral, made by a person who is deaf in reply to a question of a peace officer or other person having a prosecutorial function in any criminal or quasi-criminal proceeding may be used against the deaf person unless the statement was made through a qualified interpreter, as specified, or the court makes a special finding that the statement was made knowingly, voluntarily, and intelligently.

This bill would delete the reference to a qualified interpreter and substitute a requirement for accurate interpretation. The bill would also expand these provisions to cover criminal and quasi-criminal investigations. The bill would also require priority to be given to the use of qualified interpreters in obtaining these statements.

(6) The California Constitution prohibits the exclusion of relevant evidence in a criminal hearing except upon a ⅔ vote of each house of the Legislature.

This bill would provide for the exclusion of relevant evidence in criminal proceedings pursuant to (4) and (5) above.

(7) The bill would impose a state-mandated local program by revising the duties of the trial courts and other local agencies with regard to the appointment of interpreters for the deaf or hard-of-hearing.

(8) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 1451 (SB 2085) Roberti. California Seniors Special Fund.

Under the existing Personal Income Tax Law, an individual who is 65 years of age or over at the end of the taxable year may claim a credit of a specified amount, in addition to any other personal and dependent exemption credit

This bill would permit any taxpayer who is allowed that credit to designate on the tax return that a contribution is being made in an amount equal to the credit which is to be paid to the California Seniors Special Fund, which the bill would create. No designation would be allowed if the credit is insufficient to cover the contribution, or if the payments received from the taxpayer are insufficient to cover the amount of tax owed plus the contribution. It would require the Franchise Tax Board to modify the form of tax returns to provide for the designation. It would provide that all money transferred to the fund shall, upon appropriation, be allocated to the Franchise Tax Board and the Controller for costs incurred in connection with their duties, to the California Commission on Aging for the operational support of the Area Agency on Aging Advisory Council of California, and to the Department of Aging for allocation to local area agencies on aging, as specified. It would provide that the California Commission on Aging may accept and allocate gifts and grants, as specified.

Ch. 1452 (SB 2092) Hart. Solid waste: trash bags.

(1) Existing law does not regulate or prohibit the sale of trash bags.

This bill would, on and after January 1, 1993, require each seller of specified trash bags to certify that it has used a certain percentage by weight of recycled postconsumer material, as defined, in its trash bags. Because a violation of these provisions would be a misdemeanor pursuant to existing provisions of law, the bill would impose a state-mandated local program by creating new crimes. The bill would require the board to refer false or misleading certifications to the Attorney General for prosecution for fraud.

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The bill would, on and after January 1, 1993, require each seller of recycled postconsumer material to a trash bag manufacturer to certify to the board annually the percentage of recycled postconsumer recycled material it sells, and other information, as specified. The bill would require, on and after January 1, 1995, a seller of trash bags who is unable to obtain sufficient amounts of recycled postconsumer material to certify that the recycled postconsumer material is either unavailable or did not meet certain quality standards.

(2) The bill would appropriate $150,000 from the Integrated Waste Management Account in the Integrated Waste Management Fund, as specified, to the board to implement the bill.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1453 (SB 2330) Killea. Air pollution: vehicles: diesel.

Existing law requires the State Air Resources Board to identify toxic air contaminants, including diesel smoke, and authorizes regulation of the composition of diesel fuel, as specified.

This bill would state legislative findings and declarations regarding diesel emissions, and require the state board, in consultation with specified entities, to adopt regulations to reduce emissions from heavy-duty diesel motor vehicles, including, by July 15, 1992, regulations requiring vehicle inspections and by December 15, 1993, regulations requiring engine modifications and fuel requirements, taking specified matters into consideration.

The bill would require the state board, if it determines that heavy-duty diesel motor vehicles, or a class of those vehicles, cannot be modified to achieve compliance, to report thereon to the Legislature by January 1, 1994.

Ch. 1454 (SB 2333) Killea. Insurance: senior health care.

Existing law regulates insurance policies to supplement Medicare. Among other things, those policies are required to meet standards established by the Insurance Commissioner, and to contain a specified disclosure statement. Existing law prohibits certain sales and advertising practices with respect to that insurance, and specifically prohibits the sale of unnecessary insurance and insurance for more than 100% of incurred charges.

This bill would provide that all insurers, brokers, agents, and others engaged in the transaction of insurance owe a prospective insured who is age 65 or older a duty of honesty, good faith, and fair dealing.

The bill would provide that all disability insurance policies and certificates offered for sale to individuals age 65 or older shall provide for a 30-day examination period.

The bill would require brokers, agents, and others offering disability insurance to persons age 65 or older to provide the prospective insured with a comparison with existing health coverage.

The bill would require any advertisement or other device designed to produce leads directed towards persons age 65 or older to disclose that an agent may contact the applicant. It would prohibit certain deceptive or misleading practices.

The bill would prohibit knowing recommendations for sale and sales of disability insurance to a Medi-Cal beneficiary who is age 65 or older, as specified.

The bill would prohibit the unnecessary replacement of disability insurance for insureds age 65 or older, and would prohibit the sale of policies that would result in coverage for more than 100% of actual medical expenses.

The bill would set forth administrative penalties for violations of these provisions and would authorize various actions to be brought by the Attorney General, district attorney, or city attorney.

The bill would exclude Medicare supplement insurance and long-term care insurance from its coverage.

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Ch. 1455 (SB 2374) Presley. State advisory committees and task forces.

(1) Existing law creates various state advisory committees and task forces.

This bill would express the intent of the Legislature to review and evaluate existing and proposed advisory commissions and task forces, and to abolish those which are determined unnecessary or inefficient, or which are undertaking duplicative activities.

The bill would repeal various provisions establishing and relating to task forces no longer having duties which they are required to perform.

(2) Existing law does not require the executive branch to evaluate advisory bodies in state government.

This bill would require the Governor's Budget for the 1992–93 fiscal year to include an addendum which evaluates the need for every state-funded advisory body, as defined, in state government according to specified criteria. On and after January 1, 1993, moneys could not be expended for the support of any state-funded advisory body that was not included in this evaluation.

The bill would state the intent of the Legislature to utilize this evaluation in order to consider which advisory bodies should continue and which ones should be terminated. The bill would state the Legislature's intention to include in the Budget Act of 1992 an appropriation for advisory bodies that are to be continued, to include funding only through January 1, 1993, for advisory bodies that are to be terminated, and to enact legislation in 1992 which would be effective on January 1, 1993, to terminate those advisory bodies that are to be terminated.

Ch. 1456 (SB 2476) Seymour. Contractors

Existing law requires every person applying for a license as a contractor to pass a written examination for the classification of contracting being applied for and if the applicant is a corporation or partnership, the examination may be taken by a qualifying individual or a responsible managing employee. The law provides for a waiver of the examination if (1) the qualifying individual has, for 5 of 7 years preceding application, been listed on the records as a member of any licensee who held a license in the same classification being applied for or, (2) the qualifying individual is an immediate member of the family of a licensee and meets other conditions.

This bill would add to (1) above that the qualifying individual during the period listed on the license has been engaged in the activities of the licensee in the same classification for which the license is applied for.

The bill would also provide that an additional classification may be added to any contractor's license without examination, if specified conditions are met.

Existing law provides that the Registrar of Contractors may waive the written trade examination for an applicant who applies for licensure in a trade for which the Contractors' State License Board, by regulation, has waived the written trade examination, and in those instances, experience submitted by the applicant would be subject to review and investigation. Existing law also provides that in adopting a regulation by which waiver of a trade examination may be granted, the board shall give due consideration to the health and safety concerns of the trade, the frequency of complaints generated by the license classification for the trade, and the number of applicants for the trade.

This bill would delete those provisions.

Ch. 1457 (SB 2652) Russell. Air pollution: district regulations: cost-effectiveness.

(1) Existing law requires air pollution control districts and air quality management districts to adopt a plan and to adopt and enforce regulations for attainment and maintenance of ambient air quality standards. In adopting the plan, the district is required to consider the cost-effectiveness of specific control measures.

This bill would require every district, including specifically the Bay Area Air Quality Management District, the South Coast Air Quality Management District, and the Sacramento Metropolitan Air Quality Management District, to consider and make findings as to the cost-effectiveness in adopting regulations, thereby imposing a state-mandated local program. The bill would provide that consideration of cost-effectiveness includes consideration of the costs to regulated parties, including businesses and individuals.

(2) The California Constitution requires the state to reimburse local agencies and

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school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1458 (SB 2785) Presley. Horseracing: harness and quarter horse racing weeks.

(1) Under existing law, with certain exceptions, no license may be granted to conduct a horserace meeting upon a track less than one mile in circumference or length.

This bill would prohibit a license from being granted to conduct a horserace meeting in the central or southern zone upon a track constructed after January 1, 1990, of one mile or more in circumference or length.

(2) Existing law limits the number of weeks that the California Horse Racing Board may allocate for various types of horseracing. Under existing law, the board is authorized to allocate 25 weeks per year for harness racing and 30 weeks per year for quarter horse racing in the combined central and southern zones.

This bill would, instead, authorize the board to allocate a total of 77 weeks of harness racing and quarter horse racing in the combined central and southern zones and would permit an association licensed to conduct a racing meeting in the southern zone to operate a satellite wagering facility at a location approved by the board under certain circumstances.

(3) Existing law authorizes the board to allocate additional weeks of harness racing to the 22nd District Agricultural Association, as prescribed.

This bill would require that those weeks be from the total weeks available for harness and quarter horse racing in the combined central and southern zones.

Ch. 1459 (AB 981) Lempert. Education: Teacher Incentive Program of 1990.

Existing law provides various programs for professional development and improvement of teachers.

This bill would establish the Teacher Incentive Program of 1990.

This bill would require the Commission on Teacher Credentialing, in cooperation with the State Department of Education, to establish and maintain a comprehensive teacher supply and demand reporting system designed to provide annual reports on the availability of teachers and other certificated personnel according to the type of credential involved and by geographic regions in the state. The bill would appropriate $168,000 from the Teacher Credentials Fund to the commission for the purpose of establishing the reporting system.

The bill would require each state and local government agency to provide to the Commission on Teacher Credentialing personal information regarding teachers and other certificated personnel as requested by the commission for the purposes described above, as specified. To the extent that this requirement applies to local agencies, the bill would thereby impose a state-mandated local program. The bill would direct the Legislature to annually transfer funds from the Teacher Credentials Fund to the State Mandates Claims Fund to meet those costs.

The bill would further direct the commission to conduct a study to evaluate the effectiveness of teacher education programs in public and private postsecondary educational institutions in this state in teacher recruitment, to analyze the impact of government policies on teacher recruitment, and to set forth recommendations for policy and funding changes for teacher recruitment and retention, as specified. The bill would direct the commission to submit the results of that study to the Legislature, the Superintendent of Public Instruction, and the State Board of Education no later than December 1, 1991. The bill would appropriate $35,000 from the Teacher Credentials Fund to the commission for the purpose of conducting the study.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that this

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bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 1460 (AB 2735) Allen. Vehicles.

(1) Under existing law, the Commissioner of the California Highway Patrol is authorized to carry out specified activities with private and public entities for the purpose of implementing motorcycle safety programs, as specified. The Department of Motor Vehicles is required, until December 31, 1990, to collect an additional $2 initial and renewal registration fee for every motorcycle subject to registration. The fees are used for the motorcycle safety programs. Those provisions are to be repealed on January 1, 1992.

This bill would extend those provisions for collection of the fee until December 31, 1993, and for the repeal of the program until January 1, 1994.

(2) Existing law requires all-terrain vehicle safety training instructors to be licensed. The qualifications for licensure include the requirement that the person hold a valid California driver's license, not be on probation to the Department of Motor Vehicles as a negligent operator, and not have an outstanding notice for violating a written promise to appear in court or failing to pay a fine for a Vehicle Code violation.

This bill would allow the person to hold a valid driver's license issued by this state or any contiguous state, and make the requirements regarding probation for being a negligent operator and having outstanding notices applicable with respect to the person's driving in the state which issued the license

Ch. 1461 (AB 2788) Eaves. Redevelopment

The existing Community Redevelopment Law permits the redevelopment of a project area containing privately owned land adjacent to, or in close proximity to, as defined, Norton and George Air Force Bases, which are proposed to be closed by the federal government pursuant to Public Law 100-526.

Existing law permits the legislative bodies of communities having territory adjacent to, or in proximity to, these facilities to form a joint powers agency for purposes of the redevelopment of the territory.

This bill would require any joint powers agreement entered into under this authority to provide that the financial needs of each of the parties shall be considered prior to adoption of a redevelopment plan, would require that the joint powers agency so formed include the county in which the project area is located, and would permit the agreement to provide that the number of years shall be limited during which bonded indebtedness may be paid using tax increment funds allocated to the joint powers redevelopment agency.

The bill would make legislative findings and declarations concerning the unique circumstances necessitating its enactment.

Ch. 1462 (AB 2899) Hunter. North San Diego County Transit Development Board: purchases.

Under the North San Diego County Transit Development Board Act, the North San Diego County Transit Development Board is required to award contracts for the purchase of supplies, equipment, and materials in excess of $20,000 to the lowest responsible bidder after competitive bidding.

This bill would authorize the board, upon a ⅔ vote, to direct that specialized rail transit equipment, computers, telecommunications equipment, fare collection equipment, microwave equipment, and other related electronic equipment and apparatus, and rail cars be procured through prescribed competitive negotiation procedures.

The bill's provisions would be repealed on January 1, 1996.

Ch. 1463 (AB 2939) Campbell. Public social services. child welfare services.

Under existing law, counties are allocated state funds to provide child welfare services. Also, under existing law, the state pays 95% of the sum necessary for the adequate care of each child in a foster care program.

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Under existing law, there is a 2-year pilot program permitting no more than 3 participating counties to claim, on an annual basis, a prescribed portion of the state's share of that county's Aid to Families with Dependent Children-Foster Care (AFDC-FC) expenditures in advance if the county shows that it will conduct a program of family reunification and family maintenance services for families whose children are in danger of out-of-home placement, under specified conditions, or who could be returned to their families with the provision of services. A participating county is required in the instance where it exceeds its projected AFDC-FC general fund expenditures by 5% or less, of projected AFDC-FC expenditures, to share in the funding of that overage and to bear 100% of any overage if it exceeds projected AFDC-FC general fund expenditures by more than 5% and permits a county to share in the savings if it spends less than projected, as specified.

The bill would delete references to a pilot program, would revise the current pilot program to add day treatment and transportation to those services which may be provided under the program, and would revise the state-county funding responsibilities.

The bill would also include certain children who it is determined probably will be within the jurisdiction of the court within the scope of the existing program.

The bill would also authorize the department and any participating county to terminate the project upon 30 days' notice if the project is determined to be unsuccessful.

This bill would authorize Contra Costa County to implement a family preservation and reunification program for specified children and families, including children adjudged to be wards of the court. The bill would specify that the program in Contra Costa County is to be administered subject to the same statutory provisions as the other county programs.

Existing law continuously appropriates state funds to counties for the support and maintenance of needy children, including those children receiving foster care assistance under the Aid to Families with Dependent Children program.

This bill, by revising the use for which a portion of those continuously appropriated funds may be used, would revise the continuous AFDC-FC appropriation, thereby resulting in an appropriation.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1464 (AB 2985) Quackenbush. Teacher credentialing.

Existing law requires the Commission on Teacher Credentialing to establish professional standards, assessments, and examinations for entry and advancement in the education profession and to establish standards for the issuance and renewal of credentials, certificates, and permits.

This bill would require the commission to conduct a review of alternative avenues for persons to become credentialed ~~to~~ teach in California, as specified, and to report its findings and recommendations to the Legislature by November 1, 1991.

The bill would appropriate $80,000 from the Teacher Credentials Fund to the commission for the purposes of conducting the review.

Ch. 1465 (AB 3111) Filante. School facilities: structural safety.

Existing law contains various exemptions for public buildings from structural design requirements.

Existing law also prohibits certain school buildings used for elementary or secondary purposes that do not meet specified structural requirements from being operated, after June 30, 1975, unless the appropriate county official, board, or commission requests and obtains from the State Allocation Board authority for use of the building for a specific period after that date.

This bill would provide that the governing board of a school district may request and obtain a one-time waiver of those requirements for up to 3 years, as specified.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1466 (AB 3223) Campbell. Medi-Cal: pilot project: prepaid health plans.

Existing law provides for the Medi-Cal program pursuant to which medical benefits are provided to public assistance recipients, including those persons categorized as

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categorically needy persons, and certain other low-income persons.

The Medi-Cal program is funded by federal and state funds, and administered by the State Department of Health Services. Federal financial participation, through the federal medicaid program, is contingent upon approval of the state plan for the provision of health services through the Medi-Cal program.

Existing law authorizes Medi-Cal recipients to enroll in certain prepaid health plans for the delivery of benefits under the Medi-Cal program.

This bill would require the State Director of Health Services to implement a pilot project in which the director may contract with not more than 2 eligible prepaid health plans which are qualified health maintenance organizations under federal law or primary care case management programs, as defined, to provide health care services to pregnant women, and would require that women who are pregnant when they apply for the receipt of benefits through the eligible contractor or who become pregnant while enrolled with a participating contractor to remain enrolled with the contractor for the balance of the pregnancy and until the end of a 6-month period following the delivery of the child, but for good cause would permit them to disenroll.

This bill would specify that women who enroll with a participating contractor while they are pregnant or who become pregnant while enrolled with a participating contractor shall be treated as categorically needy persons during the pregnancy and for 6 months following the delivery of the child.

Existing law requires the county in which a person resides to determine a person's eligibility for Medi-Cal benefits and continued eligibility.

To the extent this bill would increase the counties' responsibilities for eligibility determination, it would impose a state-mandated local program.

This bill would also require the State Director of Health Services to seek any federal waivers necessary to implement the pilot project and to report to the appropriate committees of the Legislature if the waivers are received, and the commencement date of the pilot project.

The bill would also require the State Director of Health Services to make certain findings regarding the pilot project and to report to the appropriate committees of the Legislature within 24 months after the completion of the pilot program, and would repeal the authorization for the pilot project January 1, 1995.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 1467 (AB 3393) Wright. County employee retirement: administration.

The County Employees Retirement Law of 1937 authorizes the board of retirement and the board of investment under specified circumstances to contract for legal services of an attorney in private practice if the board of supervisors makes the provision applicable in the county.

This bill would authorize all boards of retirement and boards of investment in a county of the 1st class to contract with private attorneys, with their compensation being considered costs of administration.

Ch. 1468 (AB 3436) Isenberg. Railroads: consolidation of facilities and rail corridors: study.

This bill would require the Department of Transportation to conduct a study of the feasibility of consolidation of railroad freight traffic between Sacramento and Stockton in the rail corridors generally defined by State Highway Routes 5 and 99 for those rail facilities which operate in close proximity, including specified matters, and to report thereon to the Legislature by January 1, 1992, and to file an interim progress report by

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The bill would direct the department to create the Sacramento-San Joaquin Intercity Rail Coordinating Committee, composed of specified representatives, to assist it in the conduct of the study.

The bill would appropriate $40,000 from the Transportation Planning and Development Account in the State Transportation Fund to the department for purposes of the study, and would require the Director of Transportation to make the funds available in an amount equal to funds provided for these purposes from nonstate sources.

Ch. 1469 (AB 3490) W. Brown. Aid to children.

Existing law provides for the Aid to Families with Dependent Children (AFDC) program, through which qualified children are provided assistance for specified needs. The AFDC program is administered and partially funded by the counties, and is administered pursuant to regulations adopted by the State Department of Social Services.

This bill would require the State Department of Social Services to establish a pilot project in the City and County of San Francisco, upon approval of the board of supervisors, for the provision of payments to treatment facilities which house eligible children with their custodial parent when the custodial parent has been required by a court to receive substance abuse treatment in a treatment facility.

The bill would also require the State Department of Social Services to report to the appropriate committees of the Legislature on the pilot project by December 31, 1993.

Ch. 1470 (AB 3517) Ferguson. Campaign advertising and communication: libel and slander.

Existing law provides that in an action for damages for the publication of a libel in a newspaper or of a slander by radio broadcast, a plaintiff may recover general, special, and exemplary damages, as defined, if the defendant fails to publish a correction demanded by the plaintiff within 3 weeks of the demand. The publication of a correction limits the plaintiff's recovery to special damages.

Existing law provides that a person who is a sponsor of a sponsored committee is liable for slander or libel by the sponsored committee if the sponsor willfully and knowingly directs or permits the libel or slander.

This bill would make a technical change in this provision.

This bill would also provide that in any action for libel or slander brought by a candidate, the willingness or unwillingness of the defendant to retract or correct a communication made in the course of a campaign, and his or her action in doing so, shall be admissible in evidence in the exemplary damages phase of a bifurcated trial.

Ch. 1471 (AB 3646) Vasconcellos. Parents As Teachers Grant Program.

Existing law makes no provision for an organized program of coordination between the schools and parents for the development of children in the preschool years.

This bill would establish the Parents As Teachers Grant Program, which would be required to address the educational needs of targeted parents of children 3 years of age or less. This bill would require the grant program to be coordinated through county offices of education with selected participating school districts or a consortium of school districts. This bill would provide for the operation, in county offices of education that apply for participation, of projects involving a course of instruction, for parents who enroll in the course, in specified child development skills. The program would be administered by the State Department of Education, which would be required to report the results of the program, as specified, to the Legislature no later than January 1, 1995. This bill would specify that these provisions shall become inoperative on June 30, 1996, and, as of January 1, 1997, are repealed.

This bill would indicate the intent of the Legislature to appropriate $1,100,000 in the 1991–92 fiscal year to the State Department of Education for the purposes of the Parents As Teachers Grant Program contingent upon the passage of, and the receipt of funds pursuant to, the federal Family Involvement in Education Act of 1990.

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Ch. 1472 (AB 3815) Roos. AIDS: educational materials.

Existing law requires the State Department of Health Services to develop and implement various programs and studies about acquired immune deficiency syndrome and human immunodeficiency virus (HIV) infection.

This bill would require the department to establish centralized translation services to facilitate development of multilanguage, culturally relevant educational materials on HIV infection. The bill would also require the department to include in its HIV surveillance and reporting practices, a breakdown of the major Asian-Pacific Islander subgroup populations and to include that breakdown in certain surveillance and morbidity statistics issued by the State Director of Health Services.

This bill would express legislative intent that the department implement its provisions with existing funds.

Ch. 1473 (AB 3816) Roos. Peace officers: citizenship requirement.

Existing law requires public officers or employees declared by the law to be peace officers to be a citizen of the United States or a permanent resident alien who is eligible for and has applied for citizenship.

This bill would create an exception to these provisions by requiring that a member of the California Highway Patrol either be a United States citizen, or if appointed prior to a specified date, that he or she become a citizen at the earliest time possible, and that failure to attain citizenship within the time specified shall result in termination of employment.

Existing law also provides that a permanent resident alien who applies for employment as a peace officer shall have applied for citizenship at least one year prior to his or her application for employment, with specified exceptions.

This bill would delete the requirement that any permanent resident alien who applies for employment as a peace officer shall have applied for citizenship at least one year prior to his or her application to be a peace officer.

Ch. 1474 (AB 3977) Johnston. Unemployment compensation.

(1) Existing law provides that an unemployed individual is eligible to receive unemployment compensation benefits with respect to any week only if the Director of Employment Development finds that certain conditions are met, including that the individual has been unemployed for a waiting period of one week.

This bill would provide an exception to this waiting period where the Governor has suspended its operation due to a state of war emergency or a state of emergency.

Under existing law, the Unemployment Insurance Fund is continuously appropriated. This bill, by authorizing the payment of unemployment benefits at an earlier time, would therefore make an appropriation.

(2) Existing law includes, as covered employment for unemployment compensation purposes, all service performed by an individual for any public entity, with specified exceptions. Existing statutory law provides that there are no state-mandated local costs in the existing law because the existing law merely affirms for the state that which has been declared existing law through action by the federal government.

This bill would provide that, notwithstanding any other provision of law, the Director of Employment Development shall not assess nor collect any penalties for nonpayment of those billings sent to public entities on or after May 22, 1984, and before October 31, 1990, and which remain unpaid on October 1, 1990. It would further specify that this provision shall only apply to local agencies which had at any time protested the payment of their charges because the courts had found the California Unemployment Insurance Program to be a state-mandated local program which entitled local governments to reimbursement of their costs.

Ch. 1475 (AB 3995) Sher. Energy resources conservation.

Under existing law, the State Energy Resources Conservation and Development Commission has specified powers and duties relating to the conservation of energy resources, and the Public Utilities Commission is responsible for the regulation of public utilities within the state.

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This bill would generally require both commissions, in calculating the cost effectiveness of energy resources, to include a value for any costs and benefits to the environment, including air quality, and to ensure that any values they develop are consistent with values developed by the other commission, except as specified.

The bill would make legislative findings and declarations in this connection.

Ch. 1476 (AB 4052) M. Waters. Private postsecondary and vocational education.

Existing law establishes the Council for Private Postsecondary and Vocational Education which, commencing January 1, 1991, will have responsibilities relating to the approval, for operation in the state, of private postsecondary or vocational educational institutions, and other specified responsibilities.

Existing law requires that all private postsecondary educational institutions approved or authorized by the Superintendent of Public Instruction demonstrate that they will be operated in compliance with minimum standards, as specified, including, but not limited to, demonstrating that the institution is financially capable of fulfilling its commitments to its students. These minimum standards relate to prohibitions against false or misleading statements, advertising, recruitment, and recordkeeping by the institutions, disclosures required to be made by the institutions, rates of student failure to complete courses or obtain employment, financial stability, consequences of closure, establishment of branch or satellite campuses, rights of students to cancel contracts for courses, refunds, course contents, records, suspension and revocation of approval to operate, and other related topics. On January 1, 1991, this regulatory responsibility will be transferred to the Council for Private Postsecondary and Vocational Educational Institutions, pursuant to Chapter 1307 of the Statutes of 1989.

This bill would expressly authorize the Student Aid Commission to limit, suspend, or terminate a private postsecondary educational institution's eligibility to participate in loan programs administered by the commission for violation of laws relating to student protections and state the intent of the Legislature that priority for review by the commission shall be focused on institutions which have a cumulative gross student loan default rate of at least 40%.

With respect to regulation by the Superintendent of Public Instruction continued under existing law until January 1, 1991, and regulation assumed under existing law by the Council for Private Postsecondary and Vocational Education on that date, this bill would revise these and other related provisions, to do the following:

(1) Define "council" for the purposes described above as the Council for Private Postsecondary and Vocational Education on and after January 1, 1991, and as the Superintendent of Public Instruction until January 1, 1991.

(2) Permit students to act as paid recruiters for an institution, as specified, and permit partial payment of commissions to a recruiter before the recruited student has graduated or completed the course, as specified. The bill would prohibit an institution from entering into an agreement with a person whom the institution knows or should know would be ineligible to obtain licensure in the occupation or job title to which the course of instruction is represented to lead. The bill would prohibit an institution or representative of the institution from directing a representative to perform unlawful acts, to refrain from reporting violations of law by the institution, or to engage in any unfair practice to persuade a student not to make a complaint.

(3) Eliminate certain disclosures which are required to be made in soliciting or recruiting persons for enrollment and would reduce from 10 days to 3 days the time between recruitment or solicitation of a person and entering into an agreement between the person and the institution.

(4) Require institutions to meet specified performance standards relating to completion rates of courses and courses of instruction. The bill would establish the failure to comply with the standards as a ground for cancellation of the course or course of instruction or for revocation of the institution's approval to operate, subject to specified procedures, and depending upon the circumstances and the results of a review by the superintendent or council. The bill would authorize the superintendent or the council to take various actions to determine and ensure compliance.

(5) Revise particular financial standards which an institution must meet to require

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that as a condition of maintaining its approval to operate, the institution shall maintain sufficient financial resources to meet certain standards, to provide the education it represented it would provide, and to pay timely refunds. The bill would permit the superintendent or the council to consider the financial resources of a parent corporation under specified circumstances in determining the institution's compliance The bill would permit the superintendent or the council to suspend or revoke the institution's approval to operate or order probation or the posting of a bond for failure to make timely refunds, for having been found to have violated laws relating to loan or grant programs or other laws relating to the operation of the institution, for having unpaid financial liabilities, including the refund or unlawful acquisition, use, or expenditure of state or federal financial aid funds, or for other grounds involving the participation of a person in control of the institution in another institution which was closed for specified reasons.

(6) Specify additional disclosures relating to financial assistance which an institution would be required to make before a person executes an agreement obligating the person to pay any money to the institution.

(7) Revise the formula for calculating refunds and would impose new conditions for exemptions from granting required refunds.

(8) Prohibit an institution from entering into an agreement for a course of instruction unless the institution administers and the student passes a test that measures the student's ability to be successfully trained for the occupations or job titles to which the course of instruction is represented to lead. The bill would permit the institution upon notice to the superintendent or the council to use its own test if no appropriate standardized test is available. Various information about the tests used would be required on the institution's application for approval to operate

(9) Make an exception to the general requirement that a student must begin a course with the 1st lesson if the course is based on a sequence of classes to permit a student to enroll no later than the 5th class session if the course of instruction is more than 60 days. The bill would permit changes by an institution in the day or time a class is offered, to days the student is scheduled to attend the institution or times within the range of the time the student is scheduled to attend on the day for which the change is proposed The bill would not permit an institution to move the class instruction to a location more than 5 miles from the location of instruction at the time of enrollment unless disclosure is made to the students before enrollment or the superintendent or council approves the change.

(10) Specify procedures relating to bonds ordered by the superintendent or the council to protect students from the potential consequences of violations by an institution.

(11) Specify notice and hearing requirements which must be met before the superintendent or council may suspend or revoke, on an emergency basis, the approval of an institution to operate or the approval to operate a branch or satellite campus

(12) Make it a crime punishable as a felony or a misdemeanor for any person to make an untrue or misleading change in, or an untrue or misleading statement related to any document or records and who knows or, by the exercise of reasonable care, should know that the statement or change is untrue or misleading, or for any person to willfully falsify, destroy, or conceal any document or record required by laws relating to private postsecondary and vocational education institutions or the superintendent or the council to be maintained.

The bill would delete the repeal date of January 1, 1992, for specific provisions of law relating to student protections with respect to institutions.

The bill would specify that the amendments made by the bill shall apply as of the operative date of the bill, and would specify its effect on causes of actions accruing before the effective date of this bill.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1477 (AB 4126) Chacon. Reapportionment counties, cities.

Existing law requires the board of supervisors of each county, following each federal decennial census, to adjust the boundaries of supervisorial districts using population figures as validated by the Population Research Unit of the Department of Finance so

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that the districts shall be as nearly equal in population as may be. It requires a city council, using the census as a basis, to similarly adjust the boundaries of councilmanic districts.

This bill would require the board and the city council, following each federal decennial census, to instead use that census as a basis. It would require the board and the council in adjusting the boundaries of districts, to comply with the applicable portions of a specified provision of the federal Voting Rights Act of 1965, as amended.

Ch. 1478 (AB 3768) Hughes. Credentialing: California Basic Education Skills Proficiency Test. [36]

Under existing law, the Commission on Teacher Credentialing is required to establish professional standards, assessments, and examinations for entry and advancement into the education profession.

Existing law, prohibits the commission from issuing initially any credential, permit, certificate, or renewal of an emergency credential to any person to serve in the public schools unless the person has demonstrated proficiency in basic skills through the passage of the California Basic Educational Skills Test (CBEST).

This bill would require the commission to contract for an independent evaluation of the CBEST. The evaluation would include, but would not be limited to, an assessment of the nature and extent of differential passage rates among ethnic minority groups and recommendations to reduce those discrepancies. This bill would require the commission to submit a report to the Legislature on the results of the evaluation, together with any policy recommendations, on or before December 31, 1991.

Existing law requires the commission to establish standards and procedures for issuance and renewal of credentials, sets standards for the specified requirements related to the state basic skills proficiency test, and requires applicants to approved credential programs to take the state basic skills proficiency test.

This bill would declare the intent of the Legislature that applicants for admission to teacher preparation programs not be denied admission on the basis of state basic skills proficiency test results.

This bill would appropriate eighty thousand dollars ($80,000) from the Teacher Credentials Fund to the commission for the purposes of contracting for that independent evaluation.

Ch. 1479 (SB 194) Morgan. Private Postsecondary and Vocational Education Reform Act of 1989: California Postsecondary Education Commission: review, evaluation, and reporting requirements.

(1) Existing law, the Private Postsecondary and Vocational Education Reform Act of 1989, operative January 1, 1991, effectuates expressed legislative intent with regard to the integration of private postsecondary education into the education system, the improvement of the educational programs and services of private postsecondary and vocational educational institutions, and the protection of the citizens of the state from fraudulent or substandard operations.

This bill would make numerous substantive and technical changes in the Private Postsecondary and Vocational Education Reform Act of 1989.

This bill would make specified changes in the statement of legislative intent with regard to the Private Postsecondary and Vocational Education Reform Act of 1989.

(2) Existing law defines specified words and phrases with regard to the Private Postsecondary and Vocational Education Reform Act of 1989.

This bill would define "institution" for the purposes of the act and would make specified changes in the definitions of other words and phrases defined for the purposes of the act.

(3) Existing law establishes the membership and duties of the Council for Private Postsecondary and Vocational Education which, commencing January 1, 1991, shall have the responsibility for approving and regulating private postsecondary and vocational educational institutions, as specified in the Private Postsecondary and Vocational Education Reform Act of 1989. Existing law also establishes the terms of members of the council at 2, 3, or 4 years.

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This bill would require that members of the council appointed as designees of the Superintendent of Public Instruction and of the Secretary of State and Consumer Affairs to serve at the pleasure of those officials. This bill would specify that the length of the terms of the initial appointments shall be the designated number of years beginning on January 1, 1991.

(4) Existing law establishes an advisory committee to the council consisting of representatives of various state occupational licensing boards and agencies responsible for monitoring private postsecondary institutions.

This bill would specifically add representatives of the California Committee of Bar Examiners and the Commissioner of Real Estate to the advisory committee.

(5) Existing law authorizes the Council for Private Postsecondary and Vocational Education to impanel special committees of technically qualified persons to assist the council in the development of standards for educational institutions and the evaluation of applications by educational institutions, as specified.

This bill would require that the members of these special committees serve at no expense to the state. The bill would require the actual travel and per diem expenses of the members of these special committees to be reimbursed by the institution which is the subject of inspection or investigation.

(6) Existing law makes it the function and responsibility of the council to, among other things, establish a process for the development and adoption of rules and regulations, as specified.

This bill would delete that requirement and also require the council to adopt regulations to ensure that institutions will receive adequate notice and a full opportunity to be heard concerning actions to deny, suspend, or revoke approval or to place an institution on probation.

(7) Existing law imposes minimum requirements for operation on institutions subject to regulation under the Private Postsecondary and Vocational Education Reform Act of 1989.

This bill would explicitly limit the application of the minimum standards of the Private Postsecondary and Vocational Education Reform Act of 1989 to private postsecondary educational institutions. The bill would require that standards and procedures utilized by the Council for Private Postsecondary and Vocational Education not unreasonably hinder educational innovation and competition.

The bill would require that each institution offering education for entry into a health care profession in which the provider has primary care responsibilities offer that education within a professional degree program subject to approval by the council, as specified.

The bill would provide the council with explicit authority to conduct site visits outside of California when it deems these visits to be necessary.

The bill would make adjustments in existing law with regard to the application and approval process for specified institutions whose operations were approved pursuant to provisions of law antedating the Private Postsecondary and Vocational Education Reform Act of 1989.

(8) Existing law, operative January 1, 1991, prohibits a private vocational educational institution, as defined, from offering career or job training programs, or from offering or awarding diplomas, unless the Council for Private Postsecondary and Vocational Education has approved the institution as meeting specified requirements.

This bill would require a private vocational educational institution regulated by an agency within the Department of Consumer Affairs to obtain and retain the approval of that agency, in addition to meeting the requirements of the Council for Private Postsecondary and Vocational Education.

(9) Existing law requires that in order to be approved by the council an institution shall meet certain minimum standards, including the requirement that every instructor and administrator holds an applicable and valid certificate of authorization for service and the requirement that the institution maintain written records of the student's previous education and training.

This bill would instead require that every instructor and administrator possess ade-

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quate qualifications to teach the assigned course or perform the assigned duties, as specified. The bill would require those student records to be maintained for at least 5 years.

Existing law permits the council to disapprove the application of an institution not meeting the specified requirements.

This bill would authorize the council to permit an institution whose application is denied to continue offering instruction to current students or to order cessation of all instruction and refunds.

(10) Existing law, operative January 1, 1991, sets minimum standards for private postsecondary institutions, as defined. These minimum standards, among other things, prohibit false advertising, allow a "cooling off" period before a contract is operative if a student has signed a contract prior to making an initial visit to the institution, prohibit false or unfair sales, collection, or credit practices, and require schools to provide students with specified information, to award appropriate degrees or diplomas upon satisfactory completion of training, and to maintain adequate and accurate records.

This bill would authorize the Council for Private Postsecondary and Vocational Education to take into consideration the character of the private postsecondary institutions it regulates in determining whether specific types of institutions may be excluded from the application of specified requirements.

(11) Existing law requires each private postsecondary institution approved to operate pursuant to the Private Postsecondary and Vocational Education Reform Act of 1989 to annually provide specified information about its educational program to the Council for Private Postsecondary and Vocational Education.

This bill would authorize the council to require institutions to provide additional information relating to program completion rates and placement data and financial stability and responsibility, as specified.

(12) Existing law authorizes the Council for Private Postsecondary and Vocational Education to commence an investigation of a private postsecondary institution, as defined, within 30 days of receiving a specified notice from the Student Aid Commission.

This bill would correct a statutory cross-reference in this provision.

(13) Existing law prohibits a private postsecondary institution, as defined, from offering education which develops or improves an occupational skill, knowledge, or ability unless the ownership for the institution's statewide operations has filed with the Council for Private Postsecondary and Vocational Education an annual declaration, under penalty of perjury, for public disclosure, setting forth specified information. Specified educational programs, including those which are offered free of charge, are exempted from these provisions.

This bill would exempt education offered at a total charge of less than $300 from these provisions.

(14) Existing law prohibits a private vocational educational institution, as defined, from using the terms "approval," "approved," "approval to operate," or "approved to operate," without stating clearly and conspicuously that the approval to operate does not imply an endorsement or recommendation by the state or by the Council for Private Postsecondary and Vocational Education.

This bill would repeal this provision, and instead enact a provision prohibiting a private postsecondary institution from advertising, or indicating in any promotional material, that the institution is accredited, unless the institution has been recognized or approved, as specified.

(15) Existing law requires a private postsecondary or vocational institution, as defined, desiring to operate in this state to make an application to the Council for Private Postsecondary and Vocational Education, as specified. Existing law authorizes the council to refuse to issue or renew an institution's approval to operate for specified causes.

This bill would authorize the council to refuse to issue or renew an institution's approval to operate for additional specified causes.

(16) Existing law establishes a fee schedule, to be in effect until the Council for Private Postsecondary and Vocational Education establishes a fee schedule as specified, for private institutions operating under the Private Postsecondary and Vocational Edu-

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cation Reform Act of 1989.

This bill would make specified adjustments in this fee schedule and would permit the council to assess a penalty fee when an institution is more than 30 days delinquent in the payment of any fee.

(17) Existing law requires an agent, as defined, of a private postsecondary or vocational institution, as defined, to apply to the Council for Private Postsecondary and Vocational Education for a permit, as specified.

This bill would make specified adjustments in surety bond requirements in the agent permit application process.

(18) Existing law requires an agency, as defined, of a private postsecondary or vocational institution, as defined, to apply to the Council for Private Postsecondary and Vocational Education for a permit, as specified.

This bill would make specified adjustments in surety bond requirements in the agency permit application process.

(19) Existing law requires the Council for Private Postsecondary and Vocational Education to establish and maintain a Student Tuition Recovery Fund, as specified.

This bill would make specified adjustments in requirements for the Student Tuition Recovery Fund.

(20) Existing law authorizes the governing board or other governing authority of a postsecondary or vocational educational institution to adopt regulations providing for the withholding of institutional services, as specified, from students or former students who are in default on a loan or loans under the Stafford Student Loan program or the Supplemental Loans for Students program.

This bill would make explicit that this provision is applicable only to private institutions.

This bill would incorporate alternative changes in Section 94302 of the Education Code proposed by SB 2424, to be operative only if SB 2424 and this bill are both chaptered before January 1, 1991, and this bill is enacted last.

Ch. 1480 (SB 2424) Royce. Postsecondary education: religious schools.

Existing law, known as the Private Postsecondary and Vocational Education Reform Act of 1989, establishes the Council for Private Postsecondary and Vocational Education which, commencing January 1, 1991, shall have responsibilities relating to the approval, for operation in the state, of private postsecondary or vocational educational institutions and other specified responsibilities. Nonprofit institutions owned, controlled, and operated and maintained by a bona fide church or religious denomination are exempt from the regulatory provisions of the act if the education provided is limited to instruction in the principles of that church or religious denomination and no degree is awarded.

This bill would expand the exemption of nonprofit institutions owned, controlled, and operated and maintained by a bona fide church or religious denomination, and whose education provided is limited to instruction in the principles of that church or religious denomination, to include institutions which award degrees and diplomas, as specified.

This bill would incorporate certain alternative changes in Section 94302 of the Education Code proposed by SB 194, to be operative only if SB 194 and this bill are both chaptered before January 1, 1991, and this bill is enacted last.

Ch. 1481 (SB 519) Maddy. Horseracing: Appaloosa and Arabian horses.

(1) Existing law authorizes the California Horse Racing Board to allocate racing weeks consisting of fewer than 5 days to an association conducting a harness meeting on the grounds of the 22nd District Agricultural Association or the California Exposition and State Fair, under specified circumstances.

This bill would also authorize the board to allocate racing weeks consisting of fewer than 5 days to an association conducting a harness meeting at the Los Angeles County Fair in Pomona.

(2) Existing law limits a license to conduct racing to one type of racing, except that the board is authorized to adopt regulations to allow the entering of thoroughbred horses in quarter horse races at a distance of 870 yards at certain meetings.

This bill would, instead, authorize the board to adopt regulations to allow the entering

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of thoroughbred horses and Appaloosa horses in quarter horse races at a distance not exceeding 5 furlongs at those meetings. The bill would require those regulations to provide that minor breeds of horses make up more than ½ the number of horses in the race.

(3) Existing law requires, with a prescribed exception, that a sum equal to 10% of the 1st money of every purse won by a California-bred horse at a horseracing meeting be paid to the breeder of the horse.

This bill would also require that these breeder's awards be paid for Appaloosa and Arabian horses placing 2nd at these horseracing meetings.

(4) Existing law provides for the distribution of prescribed amounts for license fees, purses, and commissions from the horseracing parimutuel wagering pools, including distributions from the amounts handled by satellite wagering facilities. Existing law provides for the distribution of prescribed amounts for breeders' awards and owners' premiums from wagering parimutuel pools for races by various breeds of horses.

This bill would specifically include Arabian horses racing in the state within these provisions.

(5) Existing law requires the board to designate the officially recognized organization representing Appaloosa and Arabian horsemen to administer the provisions of law which provide for the distribution of premiums to owners of California-bred Appaloosa and Arabian horses and authorizes that organization to make a deduction for expenses not to exceed 5% of the total awards fund.

This bill would increase the amount which may be deducted for those expenses to an amount not to exceed 10% of the total awards fund.

(6) This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1482 (SB 1584) Vuich. County, district, and combined county and district fairs: funds.

(1) Existing law provides that, during the 1989–90, 1990–91, and 1991–92 fiscal years, not more than 5% of the money in the Fair and Exposition Fund may be used to augment the budget of the Department of Food and Agriculture to provide services to fairs and to implement specified provisions relating to grants to county, district, and combined county and district fairs.

This bill would specifically make this provision inoperative on July 1, 1992, and repeal it on January 1, 1993.

(2) Under existing law, $6,460,000 of the first balance of the fund is annually appropriated to the department for the encouragement of county and district agricultural fairs and the apportionment to each fair is limited to $85,000. Each fair is required to file an annual statement of operations with the department, have an annual budget approved by the department, and conduct an annual fair which includes agricultural exhibits and competitions. Funds not allocated pursuant to this provision are appropriated without regard to fiscal years to the Director of Food and Agriculture for capital outlay to county, district, combined county and district, and citrus fruit fairs for specified projects. Existing law also annually appropriates $3,540,000 of the first balance of the fund to provide an additional grant of up to $45,000 to each fair from the department, and each fair is required, in addition to meeting the above requirements relating to its operations, budget, and conduct of fairs, to comply with the management and fiscal directives of the department and submit an annual maintenance program for the department's approval.

This bill would revise the amounts of the above appropriations to $6,545,000 and $3,465,000, respectively. The bill would require the director, after consulting with the managers and boards of directors of the fairs eligible to receive grants under these provisions, to establish a format for the preparation of the annual statement of operations, budget approvals, and conduct of fairs and to establish guidelines for compliance with directives and submission of maintenance programs.

The bill would also specifically appropriate any unallocated balance of the annual $3,465,000 appropriation to the director, without regard to fiscal years, for the same purposes for which any unallocated balance of the $6,545,000 annual appropriation may be expended, thereby making an appropriation.

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(3) The bill would declare that it is to take effect immediately as an urgency statute, but would make the decrease in the appropriation to $3,465,000 and the requirement to establish guidelines operative on July 1, 1990.

Ch. 1483 (SB 2181) L. Greene. Common interest developments.

Existing law provides for the management of common interest developments.

This bill would provide for the management of funds belonging to a common interest development association which are received by its managing agent, as specified.

Ch. 1484 (SB 2735) Calderon. Franchise Tax Board: money laundering.

The existing Personal Income Tax Law authorizes the Franchise Tax Board to require a taxpayer to file a copy with the board of the federal information return relating to cash received in a trade or business.

This bill would provide under the Personal Income Tax Law and Bank and Corporation Tax Law that the Franchise Tax Board shall require that a copy of the federal information return relating to cash received in trade or business be filed with the board, and would impose a specified penalty for failure to file the return. It would require, under the Personal Income Tax Law, the Attorney General upon order of the court, as specified, to be furnished a copy of the federal information return and would authorize the Attorney General to make a return or information therefrom available to a district attorney subject to regulations, as specified, promulgated by the Attorney General. It would specify, under the Personal Income Tax Law, that the return or information shall be confidential and used only for certain purposes.

Existing law makes it unlawful for a licensed vehicle dealer, as defined, to engage in specified acts.

Chapter 89 of the Statutes of 1990, would include among those unlawful acts the failure to report to the Department of Justice, as prescribed, transactions involving currency of more than $10,000.

This bill would delete that failure from those specified acts.

Ch 1485 (AB 374) Klehs. Income taxes: bank and corporation taxes.

The existing Personal Income Tax Law and the Bank and Corporation Tax Law allow taxpayers a credit under both laws for providing specified low-income housing.

This bill would make specified changes to those provisions relating to the allocation of the credits with respect to buildings located in a difficult development area or a qualified census tract, as defined.

This bill would incorporate additional changes to Sections 17058 and 23610.5 of the Revenue and Taxation Code proposed by SB 1925 if both bills are chaptered and this bill is chaptered last.

This bill would take effect immediately as a tax levy.

Ch. 1486 (AB 596) Statham. Courts.

(1) Existing law provides that the state shall pay the additional compensation of a municipal or justice court judge sitting on assignment in superior court, with the receiving county paying the state 50% of a superior court judge's salary and the state reimbursing the lending county for 10% of the judge's salary. Existing law also provides that the state shall pay the compensation of a part-time justice court judge sitting on assignment in another court, with the receiving county paying the state 50% of the judge's salary.

This bill would revise those provisions to (a) limit instances requiring payments to the state by the receiving county, and by the state to the lending county, to only those involving municipal and justice court judges sitting on assignment in superior court in a county other than that in which he or she was elected or appointed; (b) limit the instances requiring payments by the state, and to the state by the receiving county, to only those involving part-time justice court judges who are sitting on assignment in a county other than that in which he or she was elected or appointed; and (c) make specified exceptions with regard to payments to the state by a receiving county, and reimbursements to a lending county by the state, with respect to judges sitting on assignment.

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(2) Existing law provides for the compensation of official court reporters pro tempore in Shasta County.

This bill would revise the provisions for the per diem for official court reporters pro tempore in Shasta County, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program.

(3) Existing law does not provide for a court reporter's fee to be paid by the parties in civil trials in Shasta County.

The bill would establish a court reporter's fee to be paid by the parties in civil trials in Shasta County, as specified.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

(5) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1487 (AB 2835) Quackenbush. Property taxation: transfer of base-year value: new construction.

Existing provisions of Article XIII A of the California Constitution, with certain exceptions, impose a maximum limitation on the imposition of ad valorem property taxes on real property of 1% of the full cash value, as defined, of that real property. For purposes of this limitation, full cash value is defined as the assessor's valuation of real property as shown on the 1975–76 tax bill under "full cash value" or, thereafter, the appraised value of that real property when purchased, newly constructed, or a change in ownership has occurred. Existing provisions provide that the term "newly constructed" shall not include specified construction and improvements. Existing provisions authorize the Legislature to provide for an exception to reappraisal upon purchase, changes in ownership, or new construction by authorizing persons over 55 years of age to transfer, under certain circumstances, the base-year value of their principal residence to a replacement dwelling, as defined, of equal or lesser value and located in the same county.

Existing provisions of Article XIII A of the California Constitution also allow the Legislature to authorize each county board of supervisors, as provided, to adopt an ordinance which allows the transfer of base-year value to a replacement dwelling located in another county ACA 57 of the 1989–90 Regular Session would expand those provisions to permit the transfer of base-year value to a replacement dwelling located in another county with respect to replacement dwellings purchased or newly constructed on or after January 1, 1991, regardless of whether the county in which the replacement dwelling is located has adopted an ordinance.

This bill would permit, notwithstanding existing limitations, the transfer of base-year value to a replacement dwelling located in another county with respect to replacement dwellings purchased or newly constructed on or after January 1, 1991, regardless of whether that county has adopted an ordinance. It would provide that the foregoing provisions shall become operative only if ACA 57 of the 1989–90 Regular Session is approved by the voters.

This bill would further provide, in the case where a claim for transfer of base-year value has been timely filed and granted, and new construction is performed upon a replacement dwelling subsequent to transfer of base-year value, the property tax relief provided by those provisions shall also apply to the replacement dwelling, as improved, and thus there shall be no reassessment upon completion of the new construction if (1) the new construction is completed within 2 years of the date of the sale of the original property and the owner provides notice of completion to the assessor in writing within 30 days, and (2) the fair market value of the new construction on the date of completion and the full cash value of the replacement dwelling on the date of acquisition is not more than the full cash value of the original property, as specified. It would create a state-

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mandated local program by requiring the assessor to change certain administrative procedures in connection with the assessment of any applicable property.

It would incorporate additional changes in Section 69.5 of the Revenue and Taxation Code, proposed by this bill and AB 3723 or AB 3843, or both, to become operative only if AB 3723 or AB 3843, or both, and this bill are chaptered and become effective on or before January 1, 1991, and this bill is chaptered last.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1488 (AB 2989) Hunter. Care facilities: offenses licensure: witness expenses.

(1) Existing law relating to community care facilities specifies that the operation, establishment, management, conducting, or maintaining of a community care facility without a license, or the provision of specialized services in a community care facility without a special permit, is a misdemeanor, punishable by a fine not to exceed $1,000, imprisonment in the county jail not to exceed 180 days, or both.

Existing law also permits the State Department of Social Services to assess a civil penalty against a person violating the above-mentioned provisions in the amount of $200 per day of the violation. Existing law requires the director to impose that penalty if an unlicensed facility is operated and the operator refuses to seek licensure or the operator is denied licensure and the operator continues to operate the unlicensed facility

This bill would permit the department to refrain from assessing that penalty if other remedies are available to the department, including criminal prosecution, that are deemed more effective by the department.

(2) Existing law relating to residential care facilities for the elderly specifies that the operation, establishment, management, conducting, or maintaining of a residential care facility for the elderly without a license is a misdemeanor, punishable by a fine not to exceed $2,500, imprisonment in the county jail not to exceed one year, or both.

Existing law also requires the department to assess a civil penalty against a person violating the above-mentioned provisions in an amount of $100 per resident for each day of the violation. Existing law requires that penalty to be doubled if an unlicensed facility is operated and the operator refuses to seek licensure or the operator seeks licensure and the application is denied and the operator continues to operate the unlicensed facility.

This bill would allow the department to refrain from assessing the civil penalty and the double penalty if other remedies are available to the department, including criminal prosecution, that are deemed more effective by the department.

(3) Existing law relating to child day care facilities specifies that the willful or repeated operation, establishment, management, conducting, or maintaining of a child day care facility without a license is a misdemeanor, punishable by a fine not to exceed $1,000, imprisonment in the county jail for a period not to exceed 180 days, or both.

Existing law also permits the department to assess a civil penalty against a person violating the above-mentioned provisions in the amount of $200 per day. Existing law requires the department to assess that penalty if the operator of an unlicensed facility refuses to seek licensure or the operator is denied licensure and continues to operate the unlicensed facility.

This bill would permit the department to refrain from assessing that penalty if other remedies are available to the department, including criminal prosecution, that are deemed more effective by the department.

(4) Existing law permits the department to suspend, revoke, or deny a license of a community care facility, a residential care facility for the elderly, and a child day care facility upon certain conditions, and after a hearing. Existing law requires a witness subpoenaed to the hearing to be paid fees and mileage, and, if the hearing is so far removed from the residence of the witness as to prohibit return from day to day, subsistence expenses of $3 per day.

This bill would permit the department to pay fees and mileage, at the rate prescribed for a witness required to attend a civil action or proceeding in a superior, municipal, or

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justice court, and to pay actual, necessary, and reasonable expenses of a witness subpoenaed at the request of the department to one of those hearings. The bill would permit the department to pay the witness expenses in advance, and would limit the actual, necessary, and reasonable expenses to the per diem allowance payable to a nonrepresented state employee on travel status.

Ch. 1489 (AB 3068) Murray. Aid to families with dependent children: Medi-Cal services and life skills classes.

Under existing law, pursuant to the Aid to Families with Dependent Children (AFDC) program, needy families with dependent children are provided with cash assistance, if the children have been deprived of parental support or care. The AFDC program is required to be administered by each county.

This bill would authorize the State Department of Health Services to permit the County of Los Angeles to implement a demonstration project in selected regions of the county to provide pregnant AFDC recipients with a list of public and private obstetrical service providers in the geographical area of their homes who accept Medi-Cal reimbursement and a list of schools or organizations in the geographical area of the applicant's or recipient's home that provide life skills classes.

The bill would require the Department of Social Services of the County of Los Angeles to assess the project and to report to the appropriate committee of the Legislature on the project no later than July 1, 1995.

The bill would repeal the authority for the project on January 1, 1996.

Ch. 1490 (AB 3736) Costa. Transportation: services: funding.

(1) Existing law requires the Department of Transportation annually to prepare a rail passenger development plan, including specified matters, for submission to the California Transportation Commission for its advice and consent and then to the Legislature, the Governor, and the Public Utilities Commission

This bill would require that plan to be prepared and submitted biennially rather than annually, as specified, and would require that plan to also include a report on the expenditure of marketing activities funds for purposes of media advertising of rail passenger services.

(2) Under existing law, there is the Office of Rail Services in the Division of Mass Transportation in the Department of Transportation, which is responsible for developing a comprehensive rail passenger system and preparing an annual rail passenger development plan containing specified elements.

This bill would delete the reference to the office, and instead provide that there is the Division of Rail in the department. The bill would require the department to consider and estimate the cost of providing checked baggage service, custom class service, and dining service on the San Joaquin Amtrak route, and to report its findings in the rail passenger development plan submitted in 1991.

This bill would require the department to report in the annual rail passenger development plan the amount of funds available to the state under the federal rail-highway crossings program, including cash balances, funds encumbered during the last year, and amounts anticipated to be received during the subsequent year.

(3) Under the Sales and Use Tax Law, increased revenues in the Retail Sales Tax Fund estimated to have been received due to the imposition of sales and use taxes at the 4¾% rate and on gasoline, rather than at the 5% rate and exempting gasoline; revenues due to the imposition of the sales and use tax on diesel fuel; and sales and use tax revenues resulting from increasing, after December 31, 1989, the rate of tax imposed on gasoline pursuant to the Motor Vehicle Fuel License Tax Law, are required to be transferred to the Transportation Planning and Development Account in the State Transportation Fund.

A specified portion of the amount transferred to the Transportation Planning and Development Account is required to be appropriated to the Department of Transportation for bus and passenger rail services, transit capital improvement projects, and programs to promote ridesharing.

This bill would require a public agency which has received an allocation of those funds

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for an intermodal transfer station, to provide for maintaining the station and its appurtenances, including restroom facilities, in good condition and repair. It would require the department to annually inspect each facility, as specified, and make recommendations to the operating agency, and to include the results of those inspections in its rail passenger development plan.

The bill would require that the addition or improvement of rail passenger service boarding platforms, proposed for funding under specified provisions as an element of a rail capital improvement project, be constructed in conformity with applicable Public Utilities Commission rules and orders and in such a manner that the top of each platform is not less than 8 inches above the adjacent rails, unless the department finds that the circumstances in a particular case warrant otherwise and obtains the commission's approval for any deviation from its applicable rules and orders.

(4) Under existing law, the department may contract to provide commuter and intercity passenger rail services and for the provision of feeder services to and from rail passenger terminals or intercity bus transportation.

This bill would require the department, as part of its marketing activities in support of intercity rail services and associated feeder bus services, to provide for the publication of complete train and bus schedule information for services funded or coordinated by the department, except as specified.

(5) The existing Transactions and Use Tax Law provides that the combined rate of taxes imposed pursuant to its provisions in a given county shall not exceed 1%.

This bill would provide, in the case of Los Angeles County, that if 2 specified local transactions and use tax measures are approved by the voters of that county at the November 6, 1990, general election, the rate of each tax shall, for purposes of compliance with the combined rate limitation, be limited to 0.25% It would also provide that if the limitation on combined rates within a county is increased, that the increase, on the same date the increase is operative, shall be apportioned to increase the rate of each specified transactions and use tax, not to exceed 0.50% for each tax. This bill would also authorize the Los Angeles County Transportation Commission to issue bonds payable from revenues from a specified local transactions and use tax, if the measure authorizing that tax is adopted by the voters at the November 6, 1990, general election.

(6) The bill would make other clarifying and conforming changes.

Ch. 1491 (AB 3765) Assembly Committee on Judiciary. Courts.

(1) Existing law specifies that complaints and affidavits filed in actions formerly known as divorce and separate maintenance are privileged only under prescribed conditions

This bill would revise the above references to correspond to current terminology, thus making these provisions applicable to actions for marital dissolution and legal separation.

(2) Existing law provides a comprehensive scheme for the regulation of contracts for seller assisted marketing plans, requiring, among other things, that at least 30 days prior to placing any advertisement or making any other representations to prospective purchasers the seller of a seller assisted marketing plan must file a copy of required disclosure statements and information relating to sales personnel with the Attorney General and pay a fee in the amount of $100. It also requires the seller to update the disclosure statements, except for the list of sales persons, through a new filing and payment of a fee in the amount of $30 whenever material changes occur during the year following the filing. The filing is deemed not to have occurred until a notice of filing is issued by the Attorney General. If an update is not filed at least annually, the filing is deemed to have lapsed

Existing law also requires every seller of seller-assisted marketing plans other than a California corporation to file with the Secretary of State an irrevocable consent appointing the Secretary of State or successor in office to act as the seller's attorney, as specified.

This bill would recast these provisions to specify that the disclosure statements and information shall be filed annually at least 10 days before one year has elapsed from the issuance of the notice of filing, and at least 10 days before the same date every year thereafter. It would require that the disclosure statements on file be updated whenever material changes occur during the year following the annual filing, as specified. It would

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specify that all filings shall contain certain information regarding sales persons. If the annual renewal filing is not filed, the previous filing would be deemed to have lapsed.

This bill would require the irrevocable consent be filed with the Attorney General, rather than with the Secretary of State.

Because a violation of the above provisions is a crime, this bill would thus impose a state-mandated local program.

(3) Existing law provides that any time after notice of the pendency of an action concerning real property or affecting the title or the right of possession of real property, the court in which the action is pending shall, upon motion of a party to the action, supported by affidavit, order that the notice be expunged, unless the party filing the notice shows to the satisfaction of the court that the action does affect title to or right of possession of the real property and the party recording the notice has commenced or prosecuted the action for a proper purpose and in good faith. Existing law provides that a notice of motion to expunge a notice of pendency of an action shall be served no less than 20 days prior to the hearing. Existing law provides that a notice of motion to set aside a default or default judgment and for leave to defend the action, where no actual notice was had by a party in time to defend the action, shall designate as the time for making the motion a date not less than 10 nor more than 20 days after filing that notice.

This bill would require that a notice of motion to expunge a notice of pendency of the above-specified actions and a notice of motion to set aside a default or default judgment in the above-described circumstances and for leave to defend the action be served and filed no less than 15 calendar days before the time appointed for the hearing with additional time, as specified, if service is by mail.

(4) Existing law provides that if the defendant desires to oppose the issuance of the right to attach order sought by plaintiff or objects to the amount sought to be secured by the attachment, the defendant is required to file and serve upon the plaintiff no later than 5 days prior to the date set for the hearing a notice of opposition.

This bill would specify that the defendant shall file and serve upon the plaintiff a notice of opposition no later than 5 court days prior to the date set for the hearing.

(5) This bill would make a clarifying change with respect to discovery that is permitted after an arbitration award.

(6) Existing law provides that at any time before entry of judgment in an eminent domain proceeding, the plaintiff may deposit with the court the probable compensation, based on an appraisal, that will be awarded in the proceeding. The plaintiff is required to serve a notice of deposit on all parties who have appeared in the proceeding on making a deposit. When money is so deposited the court is required to order the money to be deposited in the State Treasury or, upon request of the plaintiff, in the county treasury.

This bill would provide that the plaintiff may deposit the probable compensation that will be awarded in the proceeding with the State Treasury, rather than with the court and would require the plaintiff to file with the court a proof of service together with the notice of deposit. However, the court would be authorized to order the deposit of the money in the county treasury upon request of the plaintiff, as specified.

(7) Existing law provides that no person shall adopt or use the word "cooperative" or any abbreviation or derivation thereof, or any word similar thereto, as part of the name or designation under which it does business in this state, unless incorporated under the Consumer Cooperative Corporation Law or other designated laws. Existing law exempts credit unions and certain housing cooperatives from that restriction.

This bill would also exempt nonprofit corporations with a majority membership composed of cooperative corporations, and academic institutions that serve cooperative corporations.

(8) Existing law prohibits any person who presides at a judicial or quasi-judicial proceeding and any arbitrator from testifying in any subsequent civil proceeding as to any statement or conduct which occurred at the prior proceeding, except as specified.

This bill would make a clarifying change to that provision.

(9) Existing law requires each judge of a superior court and the county clerk to file

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a signed copy of his or her official oath with the Secretary of State upon taking the oath.

This bill would extend this requirement to the executive officer or court administrator of the superior court and the county recorder, thereby imposing a state-mandated local program by requiring new duties of county officers.

(10) Existing law authorizes the clerk of the municipal or justice court to record, at any time, on microform, pleadings, motions, instruments, books, depositions, transcripts, minute orders, complaints, dockets, registers of actions, and any other records which are part of the court file or lodged with the municipal or justice court.

This bill would provide that upon making reproductions of court records in instances where the records reproduced do not constitute the docket or register of actions, the originals may be destroyed and the reproductions would be deemed to be an original record.

(11) Existing law, effective until January 1, 1991, requires the clerk or administrator of the municipal or justice court to give the Judges' Retirement System written notice of the appointment, election, death, removal, or resignation of a judge of a municipal or justice court. Existing law, which will become operative on January 1, 1991, requires the county clerk to give that notice.

This bill would remove the January 1, 1991, repeal date of the former provision and would delete the latter provision, thereby continuing indefinitely the requirement that the clerk or administrator of the municipal or justice court give the Judges' Retirement System written notice of the appointment, election, death, removal, or resignation of a judge of a municipal or justice court. This bill thus would impose a state-mandated local program by requiring a higher level of service through the continuation of an existing program that would otherwise be repealed.

(12) Existing law provides that commissioners of municipal courts, within the jurisdiction of the court and under the direction of the judges, shall exercise all powers and perform all duties authorized by law to be performed by commissioners of superior courts and other duties prescribed by law, including conducting arraignment proceedings and issuing and signing bench warrants, if directed to perform those duties by the presiding or sole judge of the municipal court.

This bill would provide similar powers and duties to commissioners of justice courts, within the jurisdiction of the justice court and under the direction of the judges or sole judge of the justice court.

(13) Existing law provides for the establishment of a Dispute Resolution Advisory Council in the Department of Consumer Affairs and for dispute resolution programs to be operated pursuant to contract by counties who desire to participate under specified circumstances. The law will be repealed on January 1, 1992.

This bill would delete that repealing date, thus extending the operation of that law indefinitely.

(14) The bill also would make additional technical and clarifying changes.

(15) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that for certain costs, no reimbursement is required by this act for specified reasons.

However, the bill would provide that, if the Commission on State Mandates determines that this bill contains other costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 1492 (AB 4288) Hill. Unlawful adoption practices.

(1) Under existing law, it is a misdemeanor for any person or agency to offer to pay money or anything of value, or to pay money or anything of value, to a parent for the placement for adoption, for the consent to an adoption, or for cooperation in the completion of an adoption of the parent's child. Under existing law, it is also a misdemeanor for any parent to obtain these financial benefits with the intent to receive these benefits

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without completing the adoption or without consenting to the adoption.

This bill would impose a state-mandated local program by additionally making it a misdemeanor for any parent to obtain the financial benefits described above with the intent to receive those benefits where there is an intent to either not complete an adoption or not consent to the adoption. The bill would make a subsequent conviction of this added offense either a misdemeanor or felony.

This bill would impose a state-mandated local program by providing, in addition, that it is a misdemeanor for any parent to obtain the financial benefits described from 2 or more prospective adopting families or persons if that parent, knowing that there was an obligation to disclose, fails to disclose to those families or persons that there are other persons interested in adopting the child, and that parent or person knowingly accepts financial benefits which, in the aggregate, exceed the reasonable maternity-connected medical or hospital and necessary living expenses of the mother before and during the pregnancy.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1493 (AB 3974) Assembly Committee on Judiciary. Family law.

(1) Existing law authorizes courts, in specified proceedings pertaining to the support of a child, to require one parent to pay the other parent a reasonable amount for the costs of the support of a child born on and after January 1, 1989, for the shortest of the following periods prior to the filing of the action: (a) 3 years; (b) the date of the mailing of the birth certificate to the father by the State Registrar or the mailing of written notification, as specified, by the custodial parent; or (c) the date of separation of the parties until the date of the filing of the action

Additionally, existing law requires the State Registrar to only mail a copy of a certificate of birth to the father identified in the certificate, upon the request of the mother, as specified. It further specifies that the confidential portion of a certificate of birth can be made available to either the mother or the father identified in the certificate.

This bill would require, until January 1, 1993, the local registrar, rather than the State Registrar, to mail only a certified copy of the public portion of the certificate to the father upon the request of the mother. The bill would further specify that the confidential portion of the certificate can be made available to the parent who signs the certificate, or to the mother if no parent signed the certificate, rather than to the mother and father identified in the certificate. This bill would require the local registrar until January 1, 1993, to provide to the State Registrar the number of these mailings requested, but would continue to require the local registrar to transmit each week to the State Registrar all original certificates accepted for registration during the preceding week. The bill would also make related changes. Because the bill would impose new duties on local registrars it would impose a state-mandated local program.

(2) Existing law requires the State Registrar and the State Department of Social Services to cooperatively develop and distribute an informational notice advising the mother of a newborn child of certain rights, as specified. Licensed health facilities, as defined, that provide care and treatment relating to pregnancy are required to provide a copy of the notice to each pregnant woman at the time she is admitted for the care or treatment relating to her pregnancy. Additionally, the State Registrar is required to provide a copy of the notice to each mother with each original birth certificate.

This bill would provide, until the repeal of this provision on January 1, 1993, that the State Department of Health Services and the State Department of Social Services shall cooperatively develop the above-described informational notice. The bill would require, until January 1, 1993, each health facility that provides maternity services to provide a copy of the notice to each pregnant woman admitted for delivery of a child. The bill would further delete the requirement that the State Registrar provide the notice with each original birth certificate.

(3) Existing law, the Family Law Act, provides that a party may be ordered to pay

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child and spousal support, which may include, among other things, the maintenance of health insurance or the purchase of life insurance, as specified.

This bill would provide that during any proceeding under the Family Law Act for dissolution of marriage, nullity of marriage, or legal separation, or upon the entry of an order or judgment in such a proceeding requiring either party to maintain existing health, life, or disability coverage for a spouse or dependent, or after an order or judgment in one of those proceedings requiring a party to purchase life or disability insurance and name the spouse or children as the beneficiaries, a party may transmit to, or the court may order transmittal to, an insurer or plan, a specified notice instructing the insurer or plan to maintain the named beneficiaries as irrevocable beneficiaries or covered dependents under the policy unless the terms of the policy or other provisions of law require otherwise, or until receipt of a court order, judgment, or stipulation between the parties providing other instructions, as specified. This bill also would require the policyholder to furnish to the other party the name, title, and address of the insurer or the insurer's agent for service of process, as specified.

(4) Existing law provides that a marriage may be dissolved by a summary dissolution procedure when specified conditions exist, including a requirement that the total fair market value of community property assets, excluding all encumbrances and automobiles, is less than $12,000 and neither party has separate property assets, excluding all encumbrances and automobiles, in excess of $12,000.

This bill would increase the total fair market value of community property assets including any deferred compensation or retirement plan, and separate property assets of a party, excluding all encumbrances and automobiles, to an amount not in excess of $25,000 as a condition for the purposes of meeting the requirements for a summary dissolution of a marriage. This amount would be adjusted on January 1, 1993, and on January 1 of each odd-numbered year thereafter to reflect any change in the value of the dollar.

(5) Existing law provides a procedure by which the court may order a deferred sale of a family home upon a dissolution of marriage or legal separation when that order is necessary to minimize the adverse impact of dissolution or legal separation on the child or children of the marriage.

This bill would delete the requirements that the deferred sale of home order include the legal description and assessor's parcel number of the real property that is the subject of the order and that the order be recorded, as specified.

(6) Existing law delineates various guidelines and procedures for the award of child support.

This bill would direct the Judicial Council to adopt rules of court, as specified, incorporating statewide guidelines on child support that comply with applicable federal laws and regulations at the earliest date possible, but no later than 60 days after the effective date of this bill. This bill would repeal, until January 1, 1993, as specified, various provisions of existing law relating to child support and would return on that date certain of those provisions to the law in existence on December 31, 1988. This bill would require the Judicial Council to study and submit a report to the Legislature on or before December 1, 1991, addressing specified issues. This bill would also require, until January 1, 1993, the Judicial Council to include specified information as part of its Annual Report of the Administrative Office of the California Courts.

(7) Existing law requires the clerk of each superior court to maintain a registry into which certified copies of custody decrees of other states and certain communications or documents concerning custody proceedings in another state or communications concerning a finding of inconvenient forum by a court of another state are entered.

This bill would also require the clerk of each superior court to enter into the registry any custody agreement for which an order is requested regarding a child or children not the subject of another court order. By requiring a higher level of service of superior court clerks than that which is required under an existing program, this bill would impose a state-mandated local program.

(8) The bill also would make technical clarifying changes.

(9) Existing law provides that after judgment in any court action brought to enforce

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the support obligation of an absent parent, the court may order an assignment of wages.

This bill would refer to the assignment of earnings rather than the assignment of wages and make related technical and clarifying changes.

(10) This bill would incorporate additional changes to Section 4700 of the Civil Code, proposed by SB 215, to be operative only if SB 215 and this bill are both chaptered and become effective January 1, 1991, and this bill is chaptered last.

(11) This bill would incorporate additional changes to Section 10125.5 of the Health and Safety Code, proposed by AB 3532, to be operative only if AB 3532 and this bill are both chaptered and become effective January 1, 1991, and this bill is chaptered last.

(12) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 1494 (AB 3843) Cannella. Property taxation.

(1) Existing provisions of the California Constitution, with certain exceptions, place a limitation on ad valorem property taxes on real property of 1% of the full cash value of that property. For purposes of this limitation, full cash value is defined as the assessor's valuation of real property as shown on the 1975–76 tax bill under "full cash value" or, thereafter, the appraised value of that real property when purchased, newly constructed, or a change in ownership has occurred after the 1975 assessment. Existing provisions of the California Constitution adopted by the voters at the November 4, 1986, general election provide that, for purposes of the above provisions, "purchased" and "change of ownership" shall not include the purchase or transfer of the principal residence of the transferor in the case of a purchase or transfer between parents and their children, as defined by the Legislature, and the purchase or transfer of the 1st $1,000,000 of full cash value of all other real property between parents and their children, as defined by the Legislature.

Existing statutory law implements those constitutional provisions, and provides that a claim for that exclusion must be filed within 3 years after the date of the purchase or transfer for which an exclusion is sought.

This bill would provide that a claim for exclusion under those provisions must be filed within 3 years after the date of purchase or transfer between the parents and children, or prior to a transfer of the real property to a 3rd party, whichever is earlier.

(2) Existing law permits persons over 55 years of age to transfer, as specified, the base year value of their home to a replacement home in the same county, and until January 1, 1999, authorizes the transfer of the base year value of a person's home in another county, in certain circumstances, including the adoption of an ordinance, as provided, by the board of supervisors of the county in which the replacement home is located. Senate Constitutional Amendment 37 of the 1987–88 Regular Session, approved by the voters at the direct primary election on June 5, 1990, authorizes the Legislature to extend transfer of base year value provisions to severely disabled persons. It also authorizes the Legislature to exclude from the term "newly constructed" the construction, installation, or modification, on or after the effective date of the amendment, of any portion or structural component of a single- or multiple-family dwelling eligible for the homeowner's exemption if the construction, installation, or modification is for the purpose of making the dwelling more accessible to a severely disabled person.

This bill would implement SCA 37 by extending, as provided, existing provisions relating to the transfer of the base year value to severely and permanently disabled persons, as defined. It would also implement SCA 37 by excluding, as provided, from the term "newly constructed" the construction, installation, or modification of any portion or structural component of an existing single- or multiple-family dwelling, if the construction, installation, or modification is for the purpose, as specified, of making the

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dwelling more accessible, as defined, to a severely and permanently disabled person, as defined. It would require for purposes of the exclusion that the disabled person, or his or her spouse or guardian, submit to the assessor a statement, as specified, which certifies that the person is severely and permanently disabled, as defined, and identifies specific disability-related requirements necessitating accessibility improvements or features, and a statement that identifies the construction, installations, or modifications that were in fact necessary for improved accessibility. It would authorize the assessor to charge a fee to recover the costs of processing and administering the required statements. By altering the duties of county assessors in implementing these property tax relief provisions, this bill would impose a state-mandated local program.

(3) Existing law provides that a county board of supervisors may, by ordinance, provide for the cancellation of any supplemental tax bill where the amount of taxes to be billed is less than the costs of administration, provided that no tax bill in excess of $20 may be transferred.

This bill would provide that a county board of supervisors may alternatively, by ordinance, provide for the cancellation by the assessor of any supplemental assessment where that assessment would result in an amount of taxes due which is less than the costs of assessing and collecting those taxes, provided that no supplemental assessment may be canceled where resulting supplemental taxes would exceed $20.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for specified reasons.

(5) This bill would incorporate additional changes in Section 63.1 of the Revenue and Taxation Code, proposed by SB 124, to be operative only if SB 124 and this bill are both chaptered and become effective on or before January 1, 1991, and this bill is chaptered last.

(6) This bill would incorporate additional changes in Section 69.5 of the Revenue and Taxation Code, proposed by this bill and AB 2835 or AB 3723, or both, to become operative only if AB 2835 or AB 3723, or both, and this bill are chaptered and become effective on or before January 1, 1991, and this bill is chaptered last.

(7) This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1495 (AB 4044) Campbell. Parks and recreation: trails.

(1) Under existing law, the Director of Parks and Recreation is required to cause to be prepared, and continuously maintained, a comprehensive plan for the development and operation of a statewide system of recreation trails containing specified elements, including heritage corridors, as defined, and to carry out related duties.

This bill would designate specified northern California portions of an eventual nationwide heritage network as heritage corridors. The bill would require the director to work with nonprofit disability access groups in producing a heritage corridors access map and to work with specified parties to assure that adequate provisions are made to publicize the potential use of recreational trails. The bill would designate the South Yuba Independence Trail South Yuba Project as one of California's primary wheelchair wilderness and backpacking trails.

(2) Under existing law, the director is required to transmit the heritage corridors element of the plan to the Legislature.

This bill would delete that requirement.

The bill would appropriate $20,000 from the Public Resources Account in the Cigarette and Tobacco Products Surtax Fund to the Department of Parks and Recreation for the production and printing of the heritage corridors access maps and $5,000 from the State Highway Account in the State Transportation Fund to the Department of Transportation for the signing of the North Lincoln Highway, as specified.

Ch. 1496 (AB 2057) Eastin. Mechanics' liens.

Under existing law, a mechanic's lien, as specified, is a direct lien for the reasonable value of the labor, services, equipment, or materials furnished or for the price agreed

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upon, as specified, whichever is less and the lien is not limited in amount by the price stated in the contract, except as specified.

This bill would specify that these provisions do not preclude the claimant from including in the lien any amount due for labor, services, equipment, or materials furnished based on a written modification of the contract or as a result of the rescission, abandonment, or breach of the contract. However, in the event of rescission, abandonment, or breach of the contract, the amount of the lien would be limited to the reasonable value of the labor, services, equipment, and materials furnished by the claimant. This bill would require owners to notify the prime contractor and construction lenders of changes of 5% or more in the price stated in the contract.

Ch. 1497 (AB 2311) Hannigan. Bank and corporation taxes: tax rates: banks and financial corporations.

The existing Bank and Corporation Tax Law provides that the rate of tax on banks and financial corporations shall be a percentage determined in accordance with a specified formula.

This bill would make nonsubstantive clarifying changes to that formula, would delete obsolete language, and would provide that for income years ending in 1990 and 1991, the rate of tax on banks and financial corporations shall be equal to the calculated rate that was determined for income years ending in 1989.

This bill would require the Franchise Tax Board to make a specified report to the Legislature.

This bill would take effect immediately as a tax levy.

Ch. 1498 (AB 2954) Peace. Mobilehome park conversion.

Existing law generally requires, with certain exemptions, a tentative and final map to be filed for all subdivisions creating 5 or more condominiums, as defined.

One of the exemptions from these requirements applies where at least ⅔ of the owners of mobilehomes who are tenants in a mobilehome park apply for a waiver by signing and submitting a petition indicating their intent to purchase that mobilehome park for purposes of converting it to tenant-owned, condominium ownership interests under certain circumstances. These requirements are not waived if, among other things, there is a need to perform field surveys, as specified.

This bill would remove the provision that the map requirements not be waived if there is a need to perform field surveys, as specified, and instead require that the map requirements be waived, if, along with meeting the other conditions, a field survey is performed. The bill would also set forth the text of the petition to be signed by the tenants, which would include specified information regarding the waiver of the requirements of the Subdivision Map Act.

The bill would also require that map requirements not be waived if, subsequent to the recordation of the existing parcel or final map, there is an exterior boundary discrepancy that requires recordation of a new parcel or tentative and final map. The additional duties imposed on local agencies, resulting from the elimination of the waiver of the filing requirements pursuant to the above provision would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 1499 (AB 2959) Klehs. Seismic safety: disclosure.

Existing law contained in the Alquist-Priolo Special Studies Zones Act requires that agents representing sellers (or the sellers themselves where unrepresented) of real

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property located in special studies zones, as designated by the State Geologist due to potential structural hazards from surface faulting or fault creep, notify prospective purchasers of that fact. Existing law also imposes specified written disclosure requirements on transferors and their agents in certain residential real estate transactions.

This bill would require the Seismic Safety Commission to develop, adopt, and publish a Homeowner's Guide to Earthquake Preparedness, with prescribed contents, by January 1, 1992. The bill would require the commission to charge a fee to defray specified costs.

Under the bill, if real estate brokers or sellers provide copies of the guide in connection with the transfer of real property to transferees, as specified, the information would be deemed adequate to inform the transferee regarding geologic and seismic hazards, as specified.

Ch. 1500 (AB 3005) Mojonnier. Recreational marinas.

Under existing law, the Department of Boating and Waterways may make loans from the Harbors and Watercraft Revolving Fund to private marina owners for construction costs, as specified, to develop a recreational marina. Under existing law, no loan may be made to a marina owner which exceeds 25% of the funds annually budgeted for loans, and the interest rate on those loans is 2% per annum plus a prevailing marketplace rate, as specified.

This bill would increase that percentage to 50% of the funds annually budgeted for loans, and would reduce the interest rate to 1% plus that prevailing rate. The bill would authorize the department to borrow funds, with the approval of the Director of Finance, from that fund to pay costs relating to defaults in those marina development loans. The bill would authorize the department to dispose of, operate, or take other specified action with respect to property which is collateral for defaulted loans, and would require the proceeds from any action of the department to be deposited in that fund and credited towards repayment of the defaulted loan.

The bill would make additional changes in Section 76.3 of the Harbors and Navigation Code, proposed by AB 3559, to be operative only if AB 3559 and this bill are both enacted and become effective January 1, 1991, and this bill is enacted after AB 3559.

Ch. 1501 (AB 3040) Speier. Special education: dyslexia.

Existing law requires each school district, special education local plan area, and county office of education to actively and systematically seek out all individuals with exceptional needs, as specified. Existing law defines an individual with exceptional needs as a person who is identified by an individualized education program team as a "handicapped child," as defined in federal law, who cannot be provided with an education through modification of the regular school program, who comes within specified age categories, and who meets eligibility criteria set forth in regulations adopted by the State Board of Education. Federal law includes within the definition of "handicapped children" those who have specific learning disabilties, including dyslexia.

This bill would require the Superintendent of Public Instruction, in consultation with designated persons, to develop program guidelines for use in providing educational services to pupils with dyslexia and related disorders, to be completed no later than the beginning of the 1992–93 academic year. The bill would require the superintendent to disseminate the guidelines, and provide technical assistance, to parents, teachers, administrators and faculty members in certain institutions of higher education.

This bill would set forth statements of the Legislature encouraging institutions of higher education that provide teacher training to emphasize the recognition of, and teaching strategies for, specific learning disabilities, including dyslexia and related disorders, and encouraging local in-service training programs for regular education teachers and special education teachers to include a component in the recognition of, and teaching strategies for, specific learning disabilities, including dyslexia and related disorders.

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Ch. 1502 (AB 3043) Johnston. Liens: poultry and fish supply lien: agricultural chemical and seed lien.

Existing law does not create a lien on behalf of an agricultural supplier from the sale of eggs, poultry, fish, or other products derived therefrom or from the sale of the crops of a person to whom the supplier has sold feed or materials or agricultural chemicals or seeds, respectively.

This bill would grant a lien to a person who provides feed or materials, as defined, which is used for the feeding of poultry or fish, upon the proceeds of the sale of the eggs, poultry, fish, or other products derived therefrom, for the reasonable or agreed charges of the feed or materials, and for the cost of enforcing the lien.

This bill would also grant a lien to a person who provides an agricultural chemical or agricultural seed, as defined, upon the proceeds of the crop for the reasonable or agreed charges of the chemical or seed, for the labor or service performed in the application, delivery, or preparation of the chemical or seed, and for the costs of enforcing the lien.

The bill would specify (1) procedures to file a notice of claim of lien with the Secretary of State, (2) the priority of the lien, and (3) procedures for enforcement of the lien.

Ch. 1503 (AB 3063) Chandler. Fertilizing materials.

(1) Existing law provides for the regulation of the manufacture, labeling, and distribution of fertilizing materials, as defined, including registration of the materials and licensing of manufacturers and distributors. Under existing law, the Fertilizer Inspection Advisory Board advises and makes recommendations to the Director of Food and Agriculture on all matters pertaining to the law relating to fertilizing materials, including an inspection and enforcement program, the annual budget, necessary fees to provide adequate inspection services, and regulations required to accomplish the purposes of that law.

This bill would, in addition, expressly authorize the board to make recommendations on research and education.

(2) Under existing law, each manufacturer, label guarantor, or registrant, whose name appears on the label of, and each licensed person who manufactures or distributes commercial fertilizers, agricultural minerals, or auxiliary soil and plant substance products, is required to pay a prescribed assessment to the director.

This bill would, in addition, authorize the director to impose an additional assessment on fertilizers, minerals, and other products, and to provide funding for research and education regarding the use and handling of commercial and organic fertilizers, including any environmental effects. Since the money collected under this provision would be deposited in the Department of Food and Agriculture Fund, which is continuously appropriated for these purposes, the bill would make an appropriation.

(3) The bill would also incorporate changes in these provisions proposed by SB 2049 which would not become operative unless SB 2049 is also chaptered.

Ch. 1504 (AB 3138) Filante. AIDS.

Under existing law, $4,000,000 has been appropriated without regard to fiscal year from the AIDS Vaccine Research and Development Grant Fund to accomplish the purposes of the AIDS Vaccine Research and Development Grant Program. Under existing law, if an AIDS vaccine, which has received FDA approval for clinical testing on humans, has been developed by a grant recipient pursuant to the program, then any funds which have been granted to, but not expended or encumbered by, the grant recipient are required to be expended for the clinical testing of the vaccine on humans in accordance with the FDA protocol.

This bill would require any funds which have been granted to, but not expended or encumbered by, the grant recipient, after approval by the State Department of Health Services, to be expended for the clinical testing of the vaccine on humans in accordance with the FDA protocol, the continued research and development of the vaccine, or both, for the purpose of optimizing the efficacy of the vaccine during clinical testing. Since the bill would expand the purposes for which grant funds are to be expended, it would make an appropriation.

This bill would declare that it is to take effect immediately as an urgency statute.

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Ch. 1505 (AB 3139) Filante. Floating home marinas.

Existing law does not make special provision for regulation of landlord-tenant relations in floating home marinas.

This bill would enact a comprehensive scheme of regulation of landlord-tenant relations in floating home marinas similar to that in the Mobilehome Residency Law. The bill would also give specified rights, similar to those in the Mobilehome Residency Law, to owners of floating homes in floating home cooperatives and condominiums relative to the sale of their floating homes, and would provide entry rights for the management of floating home cooperatives and condominiums similar to those applicable in floating home marinas. The bill would also regulate the sale of floating home marinas, as specified.

Ch. 1506 (AB 3167) Speier. State government: office hours.

Existing law does not generally regulate the public service office hours of all state government agencies.

This bill would require, with specified exceptions, all state agencies which provide over-the-counter information and services directly to the public to provide those services during specified lunch hours.

Ch. 1507 (AB 3170) Speier. Organ transplant.

Existing law, the Uniform Anatomical Gift Act, authorizes the making of a donation of all or part of a human body or a pacemaker to take effect upon or after death, as specified. Existing law also requires each general acute care hospital to develop a protocol for identifying potential organ and tissue donors, as specified.

This bill would require the State Department of Health Services to consult with the Legislature on or before December 31, 1991, to evaluate and make recommendations to improve the effectiveness of organ transplantation for the general public and in minority communities and low-income communities in California and would authorize the department to utilize various specified sources.

Ch. 1508 (AB 3216) McClintock. Juvenile court law: continuances.

Existing law authorizes a juvenile court to continue any juvenile hearing upon the request of counsel beyond any time limit within which the hearing is otherwise required to be held.

This bill would repeal the authority described above with regard to the continuation of juvenile court hearings, and would provide, instead, a new procedure for the continuance of a juvenile court hearing, whereby a continuance would be obtained for good cause by a written notice filed and served on all parties at least 2 court days in advance, together with written documentation of the necessity therefor. The bill also would specify a procedure for obtaining a continuance without complying with the foregoing requirements.

Ch. 1509 (AB 3263) Filante. Housing: deferred payment rehabilitation loans: farmworkers.

Existing law, relating to deferred payment loan programs administered by the Department of Housing and Community Development for housing rehabilitation funded through the Housing Rehabilitation Loan Fund, requires the department to adopt emergency regulations and amend the maximum loan amounts per unit. Existing law permits the department to elect to make the emergency regulations applicable until July 1, 1990, to other deferred payment loan programs, as specified, if the department determines that the uniformity achieved thereby will avoid significant additional administrative costs.

This bill would permit the department to make the emergency regulations applicable until December 31, 1992, under those conditions.

Under existing law, the Department of Housing and Community Development is authorized to enter into contracts with public and nonprofit agencies for procurement or construction of housing and specified services for farmworkers.

Existing law establishes the San Diego Farmworker Housing Account, under which

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the department, through its Office of Migrant Services, assists in the development and operation of up to 500 family housing units, as specified, for year-round use by farm labor employees and their families in San Diego County. Existing law requires the department to accept proposals from project sponsors commencing November 15, 1989, and to award grants under specified conditions to those sponsors, commencing January 1, 1990. Chapter 1351 of the Statutes of 1989 reappropriated $400,000 from the Budget Act of 1989 to the department for these purposes.

This bill would, in addition, authorize the department to use moneys in that account to assist in the financing, development, and operation of those housing units for year-round use by nonmigrant farm labor employees and their families. The bill would require each project sponsor to demonstrate his or her capability of ensuring the project's fiscal integrity and maintaining the project in a decent, safe, and sanitary condition. The bill would require the department to accept proposals from project sponsors commencing November 15, 1989, and until all funds reappropriated for these purposes are awarded, with the grants to be awarded commencing September 1, 1990. By creating additional purposes for which those reappropriated moneys may be used, the bill would make an appropriation.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1510 (AB 3291) Areias. Natural disaster assistance.

Under the Natural Disaster Assistance Act, the Director of Emergency Services is required to administer a program which provides financial assistance to local agencies for specified costs arising from natural disasters from funds continuously appropriated from the Natural Disaster Assistance Fund for purposes of that act.

This bill would make an appropriation by providing that funds appropriated for the purposes of the Natural Disaster Assistance Act may be used to provide financial assistance for local agency and state costs for necessary and required site preparation costs for mobilehomes, travel trailers, and other manufactured housing units provided by the federal temporary housing assistance program operated by the Federal Emergency Management Agency and would make specified conforming changes to the National Disaster Assistance Act.

Ch 1511 (AB 3313) Woodruff. Educational institutions buildings.

Existing law does not require the State Architect or the State Buildings Standards Commission to develop and adopt building seismic retrofit guidelines for state buildings owned by the University of California or by the California State University, or school buildings, or to prepare a report identifying minimum seismic safety standards that renovated higher education buildings should be required to meet.

This bill would require the State Architect and the State Building Standards Commission, in consultation with, and with the concurrence of, the University of California, the California State University, the Structural Engineers Association of California, and the Seismic Safety Commission, by January 1, 1993, to develop and adopt building seismic safety retrofit guidelines for state buildings, including those owned by the University of California and by the California State University. The bill would require the State Architect and the State Building Standards Commission to develop and adopt seismic retrofit building standards for those buildings by July 1, 1996, and would require the State Building Standards Commission to review and approve the seismic retrofit building standards by July 1, 1997, to review and approve the seismic retrofit building guidelines by January 1, 1994, and to take administrative actions to make the standards and guidelines applicable to all state buildings, including those owned by the University of California or the California State University.

The bill would express the intent that $30,000 be appropriated for its purposes, with $15,000 each from the June 1990 Higher Education Capital Outlay Bond Fund and the Earthquake Safety and Public Buildings Rehabilitation Fund of 1990, respectively. Both of these funds were created by the passage of bond measures on June 5, 1990 (Propositions 121 and 122, respectively).

This bill would apply these provisions to the University of California only to the extent that the Regents of the University of California make those provisions applicable.

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Ch. 1512 (AB 3334) Johnston. Insurance: indemnity for fines.

Existing law provides that no policy of insurance shall provide any coverage or indemnity for the payment of any fine, penalty, or restitution in any civil or criminal action or proceeding brought by the Attorney General, any district attorney, or any city prosecutor, and that no policy shall provide any duty to defend those actions.

This bill would restrict the civil actions to which those limitations apply, and would make declarations of legislative intent relative to the application of the above provisions.

Ch. 1513 (AB 3352) Speier. Bank and corporation taxes: penalties.

The existing Bank and Corporation Tax Law imposes a tax on every corporation doing business within the state and not expressly exempted from taxation. It also provides for various penalties with respect to corporations which fail to file returns and otherwise comply with its provisions.

This bill would require the Franchise Tax Board to impose, in addition to any other penalties, a penalty of $2,000 per income year on any foreign corporation which fails to qualify to do business in this state or whose powers, rights, and privileges have been forfeited, or any domestic corporation which has been suspended, and which is doing business in this state but fails to make and file a return, as required, unless the failure is due to reasonable cause and not willful neglect.

Ch. 1514 (AB 3587) Farr. Energy technology and energy conservation.

Under existing law, the State Energy Resources Conservation and Development Commission, in cooperation with the California State World Trade Commission and the Department of Commerce, is authorized to assist California energy technology and energy conservation firms to export technologies, products, and services to international markets.

This bill would require every firm awarded direct financial assistance to reimburse the commission for that assistance if specified conditions are met.

The bill would require all moneys appropriated for the program and all moneys received as reimbursement to be deposited in the Energy Resources Programs Account.

Ch. 1515 (AB 3410) Polanco. Vehicles: theft.

(1) Existing law authorizes the removal of a vehicle by a peace officer from a highway or public or private property under specified circumstances, including when the officer has probable cause to believe the vehicle was used as the means of committing a public offense

This bill would recast those provisions and provide that the vehicle may be removed if the officer has probable cause to believe the vehicle was used in the commission of a public offense.

(2) Existing law prescribes, in certain instances, whether the owner of a vehicle, the perpetrator of a crime, or a public agency is responsible for the costs of towing and storage of a motor vehicle, and prohibits a lien from attaching to a vehicle removed by a peace officer on the basis that it was used in or contains or is evidence of a crime. Existing law does not specifically prescribe the responsibility for those costs in the case of a stolen vehicle that is kept in custody by a law enforcement agency for investigatory purposes or as an exhibit in judicial proceedings.

This bill would delete that lien prohibition and instead prohibit the imposition of resulting towing and storage charges on the owner of a vehicle so removed unless the vehicle was used by the alleged perpetrator of the crime with the permission of the owner. If a stolen vehicle is removed and held for investigatory or prosecution purposes or for use as an exhibit in a judicial proceeding, the owner would not be liable for any resulting towing and storage charges By making the public agency liable for towing and storage charges, the bill would impose a state-mandated local program.

(3) The above provisions of the bill would be repealed on January 1, 1993.

(4) The bill would require the Legislative Analyst to report to the Legislature by January 31, 1992, on claims submitted by local agencies during the 1991 calendar year for reimbursement of costs incurred pursuant to this bill.

(5) The California Constitution requires the state to reimburse local agencies and

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school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 1516 (AB 3439) Bronzan. Medi-Cal: grants and reimbursement.

Existing law provides for the Medi-Cal program pursuant to which medical benefits are provided to public assistance recipients and certain other low-income persons.

The Medi-Cal program is funded by federal and state funds, and administered by the State Department of Health Services. Federal financial participation, through the federal medicaid program, is contingent upon approval of the state plan for the provision of health services through the Medi-Cal program.

Under existing law, the State Department of Health Services or any county contracting with the department for the provision of primary care case management services with service areas specified by the department may enter into contracts with primary care providers, as defined, on a capitated or risk-sharing basis, or a combination of both, for primary care case management services.

This bill would authorize the State Department of Health Services to annually enter into contracts to loan an amount not to exceed $100,000 to up to 3 nonprofit organizations organized to provide health care to the medically underserved in specified service areas and which meet certain qualifications.

The bill would also revise the authorized method of payment for pilot programs to include, but not be limited to, a prospectively negotiated reimbursement rate, a fee-for-service, retainer, capitation, or other basis.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1517 (AB 3689) Hauser. Homeowners' associations: assessments.

(1) Under existing law, covenants, conditions, or restrictions contained in any document affecting transfer or sale of any interest in real property are limited in the types of restrictions that can be placed on the installation or use of solar energy systems.

This bill would modify the criteria for permissible restrictions in existing law, and state the intent of the Legislature in this regard. The bill would also request that meetings be convened on the subject to recommend standards respecting reasonableness of restrictions on solar energy systems, and to make recommendations thereon to the Legislature on or before July 1, 1991.

(2) Existing law provides that covenants and restrictions in a common interest development declaration are enforceable as equitable servitudes, as specified.

This bill would provide that in any action to enforce such a declaration, the prevailing party shall be awarded reasonable attorney's fees and costs.

(3) Under existing law, a homeowners' association is required to levy regular and special assessments sufficient to perform its obligations, as specified.

This bill would provide that the association shall not impose annual increases of regular assessments, pursuant to a specified provision governing increases in assessments, unless the board of directors of the association has prepared and distributed a pro forma operating budget to the members, as specified, or has obtained the approval of a majority of a quorum, as defined, of the owners of the association.

(4) The above changes would become operative July 1, 1991.

Ch. 1518 (AB 3845) Murray. Cable television.

Existing law empowers any city or county or city and county to authorize by franchise or license the construction of a community antenna television system.

Existing law also prescribes until January 1, 1991, the terms and conditions under which a cable television franchisee meeting specified requirements may elect to be exempt from the franchisor's regulation or control of the franchisee's rates, charges, and

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rate structure. Among the conditions is a requirement that the cable television system pay 50¢ per subscriber per year to a nonprofit foundation formed by cable operators, or to another entity designated by the local franchising authority. The purpose of the foundation or other entity is to encourage, among other things, instruction and training in the use of community service channels and employment and promotion opportunities for women and minorities.

This bill would continue these provisions in effect until January 1, 1992, but would delete the requirement that the cable television system pay 50¢ per subscriber per year to the nonprofit foundation or the entity designated by the local franchising authority.

Ch. 1519 (AB 3954) Woodruff. California National Guard: members: discrimination in employment benefits.

(1) Existing law prohibits discrimination against members of the California National Guard or Naval Militia in employment and places of public accommodation.

This bill would specifically prohibit any restriction or termination by a private employer of collateral benefits, as defined, because of temporary incapacitation, as defined, incident to National Guard or Naval Militia duty. Since, under other provisions of existing law, a violation of this prohibition would be a misdemeanor, the bill would impose a state-mandated local program by expanding the definition of a crime.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1520 (AB 4138) Eaves. Land surveying.

Existing law defines the practice of land surveying for purposes of licensing and regulation, and exempts certain persons from its provisions.

This bill would additionally exempt officers and employees of electric, gas, or telephone corporations, as defined, whenever they prepare legal descriptions, as specified, of an easement for utility distribution lines and service facilities, subject to specified conditions.

Ch. 1521 (SB 95) Robbins. California Risk Retention Act of 1990.

Existing state law provides for the regulation of the business of insurance in this state.

The federal Liability Risk Retention Act of 1986 provides for the formation and operation of risk retention groups for purposes of assessing and spreading liability of group members engaged in similar business or activities, and for the creation of purchasing groups for purposes of purchasing liability insurance. The federal act permits any state to require regulation, consideration of financial condition, and compliance with unfair practices of any risk retention groups and exempts purchasing groups from state law under specified conditions.

This bill would enact the California Risk Retention Act of 1990 to provide for the regulation of risk retention groups and purchasing groups meeting prescribed criteria. The bill would require a risk retention group chartered, incorporated, or licensed in states other than this state, prior to doing any business in this state, to submit specified information to the Insurance Commissioner. The bill would require the group to submit, with a statement of registration, a specified filing fee which would be deposited in the Risk Retention Administration Account, which would be created by the bill within the Insurance Fund, before offering insurance in this state. Moneys in the account would be continuously appropriated. The bill would require a risk retention group doing business in this state to file certain information with the commissioner. The bill would impose certain reporting requirements on risk retention groups not chartered in this state. It would provide for the assessment of taxes, would require compliance with specified unfair practices laws, and would require risk retention groups to submit to an examination by the commissioner. The bill would provide for notice requirements for policies issued by risk retention groups.

The bill would require purchasing groups, prior to doing business in the state, to

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furnish prescribed notice and information to the commissioner, and would require, with prescribed exceptions, these groups to register with and designate the commissioner as its agent for purposes of service of legal documents process with a specified filing fee. The bill would provide that this filing fee is to be deposited in the Risk Retention Administration Account. It would prohibit a purchasing group from offering insurance policy coverage prohibited under designated provisions of existing law or declared invalid by the Supreme Court of California.

This bill would authorize the commissioner to exercise the powers authorized by these provisions to the extent not preempted by federal laws.

Ch. 1522 (SB 511) Ayala. State employees: supervisory, managerial, and confidential employees bill of rights.

Existing law specifically excludes managerial and confidential employees from provisions governing state employer-employee relations, and provides supervisory employees only limited rights under those provisions.

This bill would repeal the above-described provisions relating to managerial, confidential, and supervisory employees, but would enact the Excluded Employees Bill of Rights.

The bill would define various terms, including excluded employee, excluded employee organization, and supervisory employee organization. It would recast various provisions contained in existing law related to supervisory and other excluded employees.

The bill would prescribe various prohibitions against excluded employees representing nonexcluded employees and nonexcluded employees representing excluded employees.

The bill would require every excluded employee organization to submit an annual registration statement, on or before July 1 of each calendar year, to the Department of Personnel Administration, which would be required to contain, at a minimum, specified information.

The bill would authorize the Department of Personnel Administration to adopt rules and regulations implementing the bill, with these regulations being exempt from the review and approval of the Office of Administrative Law.

This bill would make it unlawful for the state or any of its officers or employees to do specified acts in derogation of the rights prescribed by this bill.

Ch. 1523 (SB 1352) Alquist. Housing: redevelopment.

Existing law relating to housing and home finance generally defines the terms "affordable rent" and "affordable housing cost" to mean, with respect to lower income households, rent and housing costs not exceeding 25% of gross income.

This bill would revise for those purposes, the definition of "affordable housing cost" for households of specified income levels residing in any owner-occupied housing which receives assistance on or after January 1, 1991.

This bill would also revise for those purposes, the definition of "affordable rent" for households of specified income levels residing in any rental housing development which receives assistance on or after January 1, 1991.

Under existing law, these definitions are used for determining, among other things, eligibility for funds which are continuously appropriated.

Since the bill would revise these definitions to create additional purposes for which those funds may be used, it would make an appropriation.

Ch. 1524 (SB 1930) Maddy. Cardiac catheterization.

(1) Existing law authorizes the Office of Statewide Health Planning and Development to establish and administer a pilot program to test the safety and cost-effectiveness of performing cardiac catheterization in up to 7 freestanding cardiac catheterization laboratories.

Existing law authorizes the office to suspend or withdraw approval of a pilot project if the office determines that patient safety is or may be jeopardized.

This bill would require the office to notify the appropriate licensing agency, as speci-

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fied, if the office suspends or withdraws approval due in whole or in part to acts or omissions of persons licensed pursuant to the Medical Practice Act.

(2) Under existing law, the provisions relating to this pilot program would be repealed on January 1, 1991.

This bill would extend the duration of these provisions until January 1, 1994, unless the report described in (4) recommends creation of a permanent licensure category for freestanding cardiac catheterization laboratories, in which case these provisions would be repealed when legislation is enacted to create a supplemental service licensure category, or January 1, 1996, whichever occurs first.

This bill would authorize the office to approve additional applications, as specified, for inclusion of laboratories in the pilot program, subject to the 7 pilot sites limitation.

(3) Existing law authorizes the office to adopt emergency regulations to implement the pilot program and requires the adopted emergency regulations to remain in effect until January 1, 1989, unless amended or repealed by the office.

This bill would require the emergency regulations to remain in effect until January 1, 1994, unless amended or repealed by the office.

(4) Existing law requires the office to submit a report to the Legislature on or before July 1, 1990, on the progress of this pilot program.

This bill would, instead, require this report to be submitted on or before July 1, 1993.

This bill would require, if this report recommends that a permanent licensure category should be created for freestanding cardiac catheterization laboratories, all designated pilot project sites to continue under the authority of the office until legislation is enacted to create a supplemental service licensure category or January 1, 1996, whichever occurs first. In addition, this bill would require regulations of the office, reporting requirements, and monitoring procedures, including the use of a technical advisory committee, as described in existing law, to remain in effect until legislation is enacted to create that licensure category or January 1, 1996, whichever occurs first.

(5) This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1525 (SB 2132) Mello. Disaster relief: small businesses.

Under the Small Business Development Corporation Law, small business development corporations, established pursuant to the approval of the Small Business Development Board, provide loans and loan guarantees and assistance to small businesses.

Existing law creates the Small Business Expansion Fund and the Small Business Development Loan Guarantee Account in that fund, both of which are continuously appropriated, as specified, for purposes of the Small Business Development Corporation Law.

This bill would permit a small business development corporation, in an area designated as a disaster area by the Governor, to provide loan guarantees to small businesses for disaster relief purposes under certain circumstances.

Existing law requires the Department of Commerce to administer the California Earthquake Emergency Grant Aid Program for the purpose of helping small businesses and local economies recover from the October 17, 1989, earthquake and related aftershocks. The department is required to make grants to cities, counties, and specified small business entities for specified purposes

This bill would require the Department of Commerce to administer the California Emergency Grant Assistance Program. This program would provide grants to cities, counties, small business development corporations, and small business development centers, for the same purposes as the California Earthquake Emergency Grant Aid Program, but would not be limited to circumstances involving the October 17, 1989, earthquake.

Existing law establishes the Special Fund for Economic Uncertainties. Moneys in that fund are continuously appropriated without regard to fiscal years for specified natural disaster assistance programs.

This bill would authorize the Director of Finance, with the approval of the Governor, to transfer moneys in the Special Fund for Economic Uncertainties to the Small Business Expansion Fund, and the loan account in that fund, and the California Economic Development Grant and Loan Fund, in an amount necessary to implement the bill, as specified.

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Since the bill would authorize transfers from the Special Fund for Economic Uncertainties for additional purposes, the bill would constitute an appropriation.

Since the Small Business Expansion Fund, and the Loan Account in that fund, are both continuously appropriated, the bill would constitute an appropriation.

Ch. 1526 (SB 2183) Robbins. Earthquake insurance.

Existing law prohibits an insurer from rejecting or canceling a policy of residential property insurance after an offer of earthquake coverage is accepted, solely because the insured has accepted that offer of earthquake coverage, except in cases in which the policy is terminated by the named insured.

This bill would in addition prohibit an insurer from refusing to renew a policy of residential property insurance solely because the insured has accepted an offer of earthquake coverage subject to the same exception with respect to termination by the named insured.

The bill would further prohibit a discriminatory application of residential property insurance underwriting standards to any person who accepts or elects to continue earthquake coverage.

Ch. 1527 (SB 2184) Royce. Stalking.

(1) Existing law does not provide for the crime of stalking.

This bill would make it a misdemeanor or a felony punishable, as specified, for any person to commit the crime of stalking, described as willfully, maliciously, and repeatedly following or harassing, as defined, another person and making a credible threat, as defined, with the intent to place that person in reasonable fear of death or great bodily injury. The bill would specify that it shall not apply to conduct which occurs during labor picketing. Because this bill would create a new crime, it would constitute a state-mandated local program.

(2) Existing law authorizes the release of any person who has been arrested for, or charged with, an offense other than a capital offense on his or her own recognizance by a court or magistrate who is authorized to release a defendant from custody upon the defendant giving bail, including a defendant arrested upon an out-of-county warrant, under prescribed conditions.

Existing law also provides that if the complaint or the out-of-county warrant arises out of a case alleging a misdemeanor offense in which the commission, attempted commission, or conspiracy to commit the offense involves the possession, or use of, a firearm, or in which there is a violation of any of specified offenses, the court shall apply designated provisions, dealing with setting, reducing, or denying bail, in considering whether to grant or deny a release on the defendant's own recognizance.

This bill would add the offense described in paragraph (1) to those specified offenses.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1528 (SB 2196) Garamendi. Taxation.

(1) Under existing law, it is presumed that parties to a contract for the sale of tangible personal property agree to the addition of sales tax to the sales price of goods sold at retail under specified conditions. Existing law requires the State Board of Equalization to prepare and make available a sales tax reimbursement schedule, which specifies the amount of tax to be charged as to specific sales prices.

This bill would make various changes to those schedules with respect to the amounts of tax to be charged as to specific sales prices.

(2) Under the existing Sales and Use Tax Law, interest on late payments of taxes and on refunds of an overpayment is calculated per month at the modified adjusted rate per annum, as defined, divided by 12.

This bill would modify those provisions by providing that the rate shall be determined in accordance with a specified federal statute, with exceptions, and by providing that

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in computing the amount of any interest the amount shall be computed as simple interest, not compound interest.

(3) Under existing law dealing with the collection of various state taxes and fees, the State Board of Equalization is authorized to seize any real or personal property of the person responsible for a tax or fee delinquency and sell all or a portion of it to satisfy the amount of tax or fee due and the cost of seizure and sale. It provides that written notice of the time and place of sale must be mailed to the delinquent person at his or her last known address or place of business at least 10 days before the sale. It also requires that a notice, to be published for 10 days prior to the sale in a general circulation newspaper or at 3 public places in the county of sale, must contain a description of the property to be sold, a statement of the amounts due, the name of the delinquent taxpayer or fee payer, and a statement that, if taxes, fees, penalties, interest, and other costs are not paid before the date fixed for the sale, the property will be sold.

This bill would instead require that the notice of sale and the time and place of the sale be given to the delinquent person and to all persons who have an interest of record in the property in writing at least 20 days before the date set for the sale. It would make certain changes concerning the publication requirement and would require, among other things, that the first publication occur at least 3 weeks prior to the time of sale. It would require that notice be posted in one public place in the locality where the property is to be sold, as specified, and that notice also be posted in one conspicuous place on the real property.

(4) The existing Motor Vehicle Fuel License Tax Law imposes a tax upon the privilege of distributing motor vehicle fuel. That law provides for reimbursement to consulate officers or employees of foreign governments who are not engaged in any private occupation for gain and whose government has entered into a treaty with the United States which provides for an exemption from state taxes or whose government exempts representatives of the United States.

This bill would provide, instead, that sales by a distributor who sells motor vehicle fuel by credit card, as specified, to certain consulate officers and employees are exempt from the motor vehicle fuel license tax. It would allow a distributor who has paid a tax on fuel which is exempt under that provision to claim a refund, or, in lieu of a refund, to claim a credit on his or her tax return, as specified. It would also provide that any person who directly or indirectly paid the tax upon fuel which he or she sold to a specified consular officer or employee would be reimbursed for the tax paid.

(5) Under the existing Use Fuel Tax Law, the State Board of Equalization has the power to suspend or revoke a vendor's permit for failure to comply with any provision, rule, or regulation under that law. A vendor may apply for reinstatement and may be reinstated upon meeting certain conditions, and paying a fee of $15.

This bill would increase the reinstatement fee to $50.

(6) This bill would make other nonsubstantive, technical changes.

Ch. 1529 (SB 2203) Craven. Consumers.

Existing law requires a membership camping operator, as defined, to provide to a purchaser, as defined, a written disclosure in a prescribed format which clearly communicates specified information before the purchaser signs a membership camping contract, as defined, or gives any money or thing of value for the purchase of a membership camping contract. A membership camping contract broker, as defined, who resells these contracts to a new purchaser is also required to make specified disclosures.

The bill would require that all money received from the purchaser of a membership camping contract or the prospective purchaser by a membership camping contract broker in advance of the completion of any membership camping contract resale, as specified, shall be deposited into an escrow account and the funds are required to remain in the escrow account, until the transaction is completed, as defined, or the escrow agent receives written instructions signed by the owner of the membership camping contract or the prospective purchaser and the broker to disburse the funds.

The bill would require disclosure to prospective camping contract purchasers of all land use permits and operating licenses that could materially restrict the right to use a campground and would also include detailed provisions with respect to, among other

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things, (1) the conditions under which a membership camping operator may withdraw campgrounds, as defined, from use, and (2) the sale, lease, assignment, or transfer of the underlying fee in a campground.

The bill would prohibit a membership camping operator from representing that a campground is available for use by purchasers of its membership camping contracts as to campgrounds made available to purchasers after January 1, 1991, or subject to a blanket encumbrance placed against the campground or refinanced after January 1, 1991, unless one of specified events has occurred, including, among others, that any financial institution which has made a hypothecation loan to the membership camping operator, as defined, and has a lien on or a security interest in, the membership camping operator's interest in the campground executes and records a nondisturbance agreement, as defined, at the county recorder's office, as specified, thus creating a state-mandated local program. Each person holding an interest in a blanket encumbrance superior to the interest held by the hypothecation lender must also execute and record at the county recorder's office, a nondisturbance agreement stating that the person shall give the lender notice and a specified time to cure any default under the blanket encumbrance before that person commences any foreclosure action affecting the campground, thereby creating a state-mandated local program.

Existing law gives a purchaser of a membership camping contract a right to cancel the contract, as specified; requires the contract to provide notice of this right; and requires a refund to be made to the purchaser within a specified period of cancellation.

This bill would revise the notice of cancellation and extend the period for making a refund, as specified.

Existing law prohibits certain methods of advertising as deceptive, and establishes a cause of action for treble damages against those who violate these provisions. Violation of these provisions is also a misdemeanor.

The bill would also revise the advertising disclosure requirements under those provisions, would add new disclosure requirements, would proscribe certain methods of advertising as deceptive, as specified, and would make independent contractors acting on behalf of those advertisers liable for such treble damages. The bill would also impose a state-mandated local program by expanding an existing crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that for certain costs no reimbursement is required by this act for a specified reason.

Ch. 1530 (SB 2232) Presley. Juveniles.

(1) Existing law delineates procedures for the establishment and termination of guardianships.

This bill would provide that these provisions do not apply to guardianships resulting from the selection and implementation of a permanent plan for a dependent child pursuant to specified provisions of existing law and that the persons subject to these guardianship proceedings are within the jurisdiction of the juvenile court but that the provisions applicable to the administration of estates do apply if no specific provision of the Welfare and Institutions Code or the California Rules of Court is applicable.

(2) Existing law authorizes the juvenile court to direct all orders to the parent, parents, or guardian of a minor who is subject to any proceeding under the provisions of the Arnold-Kennick Juvenile Court Law as the court deems necessary and proper.

This bill would require the clerk of the court to serve all written findings and orders of the court personally or by first-class mail within 3 judicial days of their issuance on the minor, the parent, the guardian, their respective attorneys, and the petitioner. This provision would impose a state-mandated local program by requiring a higher level of service under an existing program.

(3) Existing law authorizes the county board of supervisors to delegate to the county welfare department all or part of the duties of the probation officer concerning certain

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dependent children.

This bill would also authorize the county board of supervisors to delegate to licensed clinical social workers employed by the county welfare department the probation officer's right of access to the state summary criminal history information.

(4) Under existing law, at the initial hearing on a petition to adjudge a minor a dependent child of the juvenile court, the court is required to order the minor released from custody unless it finds any one of specified circumstances to exist. If the minor cannot be returned to the custody of his or her parents the court is required to determine if there is a relative willing and able to care for the minor and may order the minor to be temporarily placed in the home of the relative.

The bill would revise the definition of "relative" for the purposes of that provision and would authorize the placement of the minor in specified certified family homes.

(5) Existing law, the Arnold-Kennick Juvenile Court Law, among other things, provides that a petition to commence proceedings in the juvenile court to declare a minor a ward or a dependent child of the court is to be verified and is to contain specified information. Existing law provides that if a proceeding is pending against a minor for the writing, spraying, scratching, or otherwise affixing of graffiti, as defined, on or in the facilities or vehicles of a public transportation system or in the facilities of, or vehicles operated by entities subsidized by the Department of Transportation, a notice to the parent or guardian of the minor is required to be included in the petition specifying that if the minor is found to have violated that provision (a) any community service that may be required of the minor may be performed in the presence, and under the direct supervision, of the minor's parent or legal guardian, and (b) that if the minor is personally unable to pay any fine levied for violating the provision, the parent or legal guardian of the minor will be liable for payment of the fine.

This bill would delete the requirement that this notice be included in dependency petitions and make a related change.

(6) Existing law generally provides that whenever a minor is removed from a parent's or guardian's custody, the juvenile court shall order the probation officer to provide child welfare services to the minor and the minor's parents or guardians for the purpose of facilitating reunification of the family. A court need not order reunification services where the court finds, among other things, that (a) a parent is suffering from a mental disability, as described, (b) the minor who had previously been adjudicated a dependent child as a result of physical or sexual abuse has been returned to and removed from the custody of his or her parents or guardians due to additional physical or sexual abuse, (c) a parent has been convicted of causing the death of another child through abuse or neglect, or (d) the minor was brought under the jurisdiction of the juvenile court because he or she is under the age of 5 years and has suffered severe physical abuse by the conduct of a parent. Existing law provides that if a court does not order reunification services for one of the reasons described above, it shall conduct a hearing regarding the future status of the minor, as specified, within 120 days of the dispositional hearing.

This bill would provide that a court shall not schedule the hearing so long as the other parent is being provided reunification services.

(7) Existing law also specifies procedures pursuant to which parental rights may be terminated. Existing law specifies that certain procedures constitute the exclusive procedures that are applicable after January 1, 1990, for permanently terminating parental rights with regard to, or establishing legal guardianship of, a minor while the minor is a dependent of the juvenile court. Existing law provides for the termination of parental rights with respect to dependent children if the court determines by clear and convincing evidence that it is likely that the minor will be adopted.

This bill would specify that parental rights shall be terminated only if the court first makes the determination, based on clear and convincing evidence, that the minor will be adopted.

(8) This bill would incorporate additional changes in Section 366.26 of the Welfare and Institutions Code, proposed by AB 3532, to be operative only if AB 3532 and this bill are both chaptered and become effective on or before January 1, 1991, and this bill is chaptered last. These changes would become operative on the operative date of AB 3532.

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(9) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 1531 (SB 2336) Roberti. Torts: sexual battery.

Existing law provides that every person is bound to abstain from injuring the person or property of another or from infringing the rights of another.

This bill would provide that any person who commits a sexual battery, as specified, is liable for damages, including, but not limited to, general, special, and punitive damages. The bill would also provide for additional remedies, as specified.

Ch. 1532 (SB 2365) Keene. Health professionals: referrals: compensation or inducement.

(1) Existing law provides that, except as otherwise specified, the offer, delivery, receipt, or acceptance, by specified licensed health professionals of any rebate, refund, commission, preference, patronage dividend, discount, or other consideration, whether in the form of money or otherwise, as compensation or inducement for referring patients, clients, or customers to any person is unlawful, punishable as a misdemeanor or felony, as specified. Existing law also provides that it is not unlawful for a person to refer a person to a laboratory, pharmacy, clinic, or health care facility, as defined, solely because the licensee has a proprietary interest or coownership in the facility, as specified.

This bill would limit the above provision allowing referrals to circumstances where the return on investment in the proprietary interest or coownership is based upon the amount of capital investment or proportional ownership of the licensee, thereby imposing a state-mandated local program by changing the definition of a crime. The bill also would provide that the payment or receipt of consideration for services, other than the referral of patients, which is based on a percentage of gross revenues or similar type of contractual arrangement shall not be unlawful under the above provisions if the consideration is commensurate with the value of the services furnished or the fair rental value of premises or equipment leased or provided by the recipient to the payor. The bill would also revise the definition of health care facility.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1533 (SB 2455) Morgan. Use tax: exemption: property from a foreign country.

The existing California Sales and Use Tax Law provides a presumption that tangible personal property shipped or brought to this state by the purchaser was purchased from a retailer on or after July 1, 1935, for storage, use, or other consumption in this state. That law also provides specified exemptions from the taxes imposed by that law.

This bill would provide that, notwithstanding the provisions providing the presumption, the storage, use, or other consumption in this state of the first $400 of tangible personal property purchased in a foreign country by an individual from a retailer and personally hand carried into this state from the foreign country within any 30-day period is exempt from the use tax.

Counties and cities are authorized to impose local sales and use taxes in conformity with state sales and use taxes. Exemptions from state sales and use taxes enacted by the Legislature are automatically incorporated into the local taxes.

Section 2230 of the Revenue and Taxation Code provides that the state will reimburse

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counties and cities for revenue losses caused by the enactment of sales and use tax exemptions.

This bill would provide that no appropriation is made and the state shall not reimburse local agencies for sales and use tax revenues lost by them pursuant to this bill.

This bill would take effect immediately as a tax levy.

Ch. 1534 (SB 2491) Vuich. Real estate brokers: disclosures.

(1) Under existing law, real estate brokers engaging in certain activities with respect to transactions involving the sale of real property sales contracts or debt instruments secured by real property, and meeting prescribed additional criteria, are subject to special requirements as to reporting, trust funds, and disclosure. Among these additional criteria is that the aggregate amount of subject transactions total more than $2,000,000 in any 12-month period. Under existing law, however, certain of these transactions are not counted for purposes of the above total, including loans made or purchased by specified entities, including the Federal National Mortgage Association, banks, savings and loan associations, and industrial loan companies.

This bill would, for this purpose, additionally exclude loans made or purchased by, among others, any savings bank or savings association holding company or subsidiary thereof, personal property brokers, commercial finance lenders, and consumer finance lenders.

(2) Existing law, with certain exceptions, requires a real estate broker, when making a solicitation to a particular person and in negotiating with that person for purposes of making a loan secured by real property or to purchase a real property sales contract or a note secured by a deed of trust, to deliver to the person solicited a prescribed disclosure statement. Among the exceptions to this disclosure requirement are transactions involving prospective lenders or purchasers that are prescribed governmental entities or instrumentalities, financial institutions and related entities, trustees of specified pension and other funds, prescribed corporations and their wholly owned subsidiaries, syndications of the foregoing, and real estate brokers in the business of selling these loans, notes, or contracts to the foregoing

This bill would, for that purpose, also exclude transactions involving any savings bank or savings association holding company or subsidiary thereof. The bill would make related changes.

Ch. 1535 (SB 2508) Petris. Unlawful detainer

Existing law provides for the service of process in actions for unlawful detainer, as specified, and provides that any occupant not named in the judgment for possession who occupied the premises on the date of the filing of the action may object to enforcement of the judgment against that occupant, as specified.

This bill would establish a procedure for service of process in actions for unlawful detainer with respect to occupants, as specified, which if complied with would prohibit any occupant from objecting to enforcement of the judgment. The bill would also make related changes. The bill would also authorize a procedure whereby an occupant may claim a prejudgment right to possession, as specified, and would make related changes. The bill would specify the fee for service of a summons, complaint, and prejudgment claim of right to possession in an unlawful detainer action pursuant to the bill.

Ch. 1536 (SB 2515) Presley. Private works of improvement: retention of funds.

Existing law contains various provisions relating to contracts for the performance of private works of improvement.

This bill would provide, with respect to contracts for the construction of any private work of improvement entered into on or after July 1, 1991, that retention proceeds shall be disbursed, as specified.

The provisions of the bill would be repealed January 1, 1996.

Ch. 1537 (SB 2641) Torres. Real property. equity purchasers and foreclosure consultants.

Existing law includes various provisions governing the sale of residences in foreclosure

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to defined foreclosure consultants and equity purchasers.

This bill would provide that an equity purchaser is liable for all damages resulting from any statement made or act committed by the equity purchaser's representative, as defined, in any manner connected with the equity purchaser's acquisition of a residence in foreclosure, receipt of any consideration or property from or on behalf of the equity seller, or the performance of certain prohibited acts. Similarly, this bill would provide that a foreclosure consultant is liable for all damages resulting from any statement made or act committed by the foreclosure consultant's representative, as defined, in any manner connected with the foreclosure consultant's (1) performance, offer to perform, or contract to perform specified services, (2) receipt of any consideration or property from or on behalf of any owner, or (3) performance of any act prohibited by the provisions relating to mortgages. The bill also would require such an individual to provide certain proof of licensure and bonding, as specified.

This bill would specify that any provision in a contract, entered into on or after January 1, 1991, that attempts or purports to limit the liability of the equity purchaser or the foreclosure consultant is void and at the option of the equity seller or owner the equity purchase contract or the foreclosure sale contract, respectively, is void only upon grounds as exist for the revocation of any contract This bill would specify that an order summarily adjudicating civil liability or agency shall not constitute a finding of criminal liability for the purpose of any criminal prosecution brought under these provisions.

Ch. 1538 (SB 2723) Robbins. Property taxation: rates: adoption.

Under existing law, on or before the first business day of each September or on or before October 3 if so provided by resolution, the county board of supervisors is required to adopt by resolution, within specified limits, the rates of taxes on the secured property tax roll. It also requires the board of supervisors, with regard to voter approved indebtedness, to set tax rates according to specific criteria It further requires that each rate shall be set so as to produce amounts determined to be necessary after due allowance for delinquency, anticipated changes to the roll, disputed revenues, and other factors

This bill would authorize the county board of supervisors to set the rate so as to also produce an amount determined to be appropriate for necessary reserves, as specified.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1539 (SB 2827) Roberti. Healing arts.

Existing law specifies continuing education requirements for physicians and surgeons and pharmacists.

This bill would require the Division of Licensing of the Medical Board of California to encourage every physician and surgeon to take a course in geriatric pharmacology as a part of his or her continuing education, except as specified, and would require the State Board of Pharmacy to encourage every licensed pharmacist and the Board of Psychology to encourage every licensed psychologist, to take a course in geriatric pharmacology as a part of his or her continuing education requirements.

Ch. 1540 (SB 611) C. Green. Education: attendance.

Existing law requires the governing board of each school district and each county superintendent of schools to report the average daily attendance of pupils in their respective jurisdictions to the Superintendent of Public Instruction. Existing law prescribes a formula for the calculation of that average daily attendance.

This bill would define both "enrollment" and "average daily attendance," for the purposes of an educational provision of the Budget Act of 1990, as regular average daily attendance as reported for purposes of the 2nd principal apportionment.

Ch. 1541 (SB 1341) Hart. Occupational safety and health: field sanitation requirements.

(1) Existing law permits the Occupational Safety and Health Standards Board to adopt, amend, or repeal occupational safety and health standards and orders, and requires the standards board to adopt standards at least as effective as the federal standards for all issues for which federal standards have been promulgated under the federal

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Occupational Safety and Health Act.

Existing law also requires the Division of Occupational Safety and Health to enforce occupational safety and health standards adopted by the standards board.

This bill would require the standards board to adopt, no later than December 1, 1991, an occupational safety and health standard for field sanitation which complies with specified requirements, and would permit the division, pending final adoption and approval of this standard, to enforce specified federal sanitation standards.

This bill would require the division to develop and implement a special emphasis program for enforcement of the standard for at least 2 years following its adoption, to develop a written plan to coordinate its enforcement program with other state and local agencies, and to report to the Legislature by January 1, 1994, on its enforcement program.

This bill would provide that past violations of specified field sanitation requirements occurring within the previous 5 years shall constitute evidence of willfulness in violating occupational safety and health laws, and that failure to provide the facilities required by the field sanitation standard shall result in the assessment of a civil penalty in an amount not less than $750 for each violation. It would also provide for an abatement period and compliance procedures for violation of this standard.

This bill would require the division to notify the State Department of Health Services and the appropriate local health officers whenever a violation of the occupational safety and health standard for field sanitation adopted pursuant to this bill may result in the adulteration of food with harmful bacteria or other deleterious substances within the meaning of the Sherman Food, Drug, and Cosmetic Law provisions relating to adulterated food.

(2) Existing law requires that one toilet and handwashing facility be provided and maintained for each 40 employees, or fraction thereof, engaged in a food crop growing and harvesting operation.

This bill would delete this provision.

(3) Existing law authorizes the State Department of Health Services, in consultation with specified agencies, to make and promulgate reasonable regulations regarding food crop growing and harvesting sanitation.

This bill would specify that these regulations shall be at least as effective as those adopted by the Occupational Safety and Health Standards Board for that purpose, and that the provisions pertaining to the State Department of Health Services shall not be construed to abridge or limit the jurisdiction of the Division of Occupational Safety and Health pursuant to specified provisions.

Ch. 1542 (SB 2187) Royce. Local hospital districts.

(1) Existing law authorizes the legislative body of a local agency to provide for any health and welfare benefits for its employees, as specified.

This bill would authorize the legislative body of a local agency that is a local hospital district to provide for any health and welfare benefits for the benefit of members of its medical staff, employees of the medical staff members, and the dependents of both groups on a self-pay basis.

(2) Existing law authorizes the organization, incorporation, and management of local hospital districts, and requires each local hospital district to have and exercise specified powers.

This bill would, instead, require each local hospital district to have, and permit each local hospital district to exercise, specified powers.

This bill would specifically authorize each local hospital district to establish, maintain, operate, participate in, or manage capitated health care plans, health maintenance organizations, preferred provider organizations, and other health care systems and programs properly licensed by the Department of Insurance or the Department of Corporations, at any location within or without the district for the benefit of residents of communities served by the district. The bill would authorize a local hospital district to provide health care coverage to members of the district's medical staff, employees of the medical staff members, and dependents of both groups on a self-pay basis.

(3) Existing law authorizes a hospital district board of directors to study the feasibility

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of providing health care coverage for employees of employers operating within the service area of the participating hospital district, but prohibits a district from actually providing health care coverage unless specifically authorized by the Legislature. Existing law also authorizes a local hospital district to enter into joint exercise of power agreements with other hospital districts to provide health care coverage to those persons not otherwise covered.

This bill would delete the above provisions authorizing the feasibility study, prohibiting the actual provision of health care coverage, and authorizing the joint exercise of power agreements with other hospitals to provide health care coverage, as described.

(4) Existing law requires the rules of a hospital, established by the board of directors of a local hospital district, to include specified provisions. Existing law requires the rules to be in accord with and contain minimum standards not less than the rules and standards of private or voluntary hospitals operating within the district.

This bill would delete the reference to operating within the district. It would also permit the board of directors to adopt other rules which could be lawfully adopted by private or voluntary hospitals.

(5) This bill would make various technical, nonsubstantive changes.

Ch. 1543 (SB 2310) Bergeson. Solid waste: market development zones.

Under the California Integrated Waste Management Act of 1989, each city or county source reduction and recycling element is required to include an implementation schedule which shows the diversion of solid waste from landfill or transformation facilities through source reduction, recycling, and composting activities. That act also requires the California Integrated Waste Management Board and local agencies to promote the implementation of source reduction, recycling, and composting, environmentally safe transformation, and environmentally safe land disposal at the discretion of the city or county, and to maximize the use of all feasible source reduction, recycling, and composting options in order to reduce the amount of solid waste that must be disposed of by transformation and land disposal.

Under existing law, a local governing body, as defined, may propose eligible parcels of property within its jurisdiction as a recycling market development zone, which the board may, upon application, designate as a recycling market development zone.

Existing law also requires operators of solid waste landfills, as defined, to pay fees to the board of specified amounts, which are required to be deposited in the Integrated Waste Management Fund and used by the board to carry out specified duties under the California Integrated Waste Management Act of 1989, except as specified.

This bill would, until July 1, 1997, authorize the board, upon appropriation by the Legislature in the annual Budget Act, to make low-interest loans under specified conditions to local governmental agencies and private business entities within a recycling market development zone from the Recycling Market Development Revolving Loan Account, which the bill would create in the Integrated Waste Management Fund, for the purpose of assisting the board and local agencies in complying with the requirements for the recycling and resource recovery elements and promotion of the implementation of source reduction, recycling, and composting, environmentally safe transformation, and environmentally safe land disposal, as described above. The bill would authorize the board to establish and collect loan application fees for the loans, the revenue from which would be deposited in the loan account. The bill would make the funds in the loan account available, upon appropriation in the Budget Act, to the board for administration of the loan program.

The bill would, upon authorization in the annual Budget Act, transfer $5,000,000 from the Integrated Waste Management Account in that fund as a loan, with specified interest, to the loan account. The bill would require repayment of the loan to the loan account with specified interest on or before July 1, 1997, and would transfer the remaining amounts in the loan fund on that date to the management account on that date. Loan repayments thereafter would be made to the management account. The bill would require the board to submit a report on the loan program to the Legislature by January 1, 1996.

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Ch. 1544 (SB 2470) C. Green. Public retirement systems: contributions.

(1) Under existing law, the Board of Administration of the Public Employees' Retirement System is authorized to appoint necessary employees.

This bill would authorize the board to employ six additional auditors to audit reports submitted by employers.

(2) Existing law requires public agencies to furnish data to the board.

This bill would require public agencies to furnish the board with any third party or internal audits.

(3) The bill would require the board to study the accuracy of public agency payroll reporting procedures and to submit a copy of the study to the Legislature on or before January 1, 1991.

(4) The Public Employees' Retirement Law requires refund of the accumulated contribution of a member whose service is discontinued if the member has less than 5 years of service.

This bill would authorize those members to leave their accumulated contribution on deposit in the retirement fund.

(5) The provisions of the bill would become operative on December 1, 1990.

(6) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1545 (SB 2494) Vuich. Financial institutions: sales of securities.

Under existing state and federal law, various types of financial institutions are subject to regulation.

This bill would until January 1, 1994, except as specified, prohibit any financial institution, as defined, or other person from offering to the public, at any retail branch office at which deposits are accepted, any security that is not investment grade, as specified.

The bill would additionally require a financial institution, as defined, that sells to the public, at any retail branch office, any security, as defined, which is not insured by a federal agency or instrumentality or by a private share insurance or guaranty arrangement to provide a disclosure statement, as specified.

The bill would provide that a violation of its provisions would be a violation of the laws under which the financial institution operates. Since a violation of the regulatory laws for savings associations, credit unions, and industrial loan companies is a public offense, the bill would impose a state-mandated local program by creating new crimes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1546 (SB 2577) Kopp. Property taxation.

Existing law provides for the filing of a change in ownership statement containing specified information, including a prescribed notice, whenever a change in ownership of real property or a mobilehome subject to local property taxation occurs.

Existing law requires until January 1, 1991, the assessor and the recorder to make available, without charge and upon request, preliminary change in ownership reports, in a specific form, which transferees of real property may complete and file concurrently with the recordation of documents evidencing a change in ownership.

This bill would impose a state-mandated local program by deleting language repealing those provisions, thereby continuing indefinitely those requirements relative to the assessor and the recorder making available preliminary change in ownership reports in a specific form and would require that transferees use the form provided by the county assessor. It would also specify changes to the report form which would be effective July 1, 1991, and require that the form be signed by the transferee or an officer of the transferee, and not by an agent.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other

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procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 1547 (SB 2602) Keene. California State Library: construction.

Existing provisions of the State Building Construction Act of 1955 authorize the State Public Works Board to acquire or construct public buildings and to issue revenue bonds, negotiable notes, and negotiable bond anticipation notes to finance that construction. That act also permits the leasing of these public buildings by the board to the Department of General Services or any other state agency approved by the department.

This bill would authorize the Director of General Services to construct, at a specified site, a library and courts annex building complex for the California State Library and related facilities.

This bill would authorize the State Public Works Board to issue revenue bonds, negotiable notes, and negotiable bond anticipation notes pursuant to the State Building Construction Act of 1955 to finance the above construction. This bill would specify the amount of authorized construction costs for the project.

This bill would subject any augmentation of the approved project construction costs to those provisions of law requiring the approval of the Director of Finance and the board of preliminary plans for the project prior to the appropriation of any funds for the project

This bill would also authorize the board to borrow funds for project costs from the Pooled Money Investment Account in accordance with specified provisions of law governing loans from that account.

This bill would require the Director of General Services, at least 20 days prior to the award of the principal bid for construction of the project to notify the chairpersons of the fiscal committees of each house of the Legislature of the amount of the bid.

This bill would require the Director of General Services to notify the Chairperson of the Joint Legislative Budget Committee of the director's intention to execute any lease agreement with the State Public Works Board for the project at least 20 days prior to its execution.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1548 (SB 2899) C. Green. Landscape architects.

Existing law specifies the maximum fees which may be assessed by the California State Board of Landscape Architects.

This bill would increase those maximum fees.

Existing provisions of the Business and Professions Code continuously appropriate money in the State Board of Landscape Architects Fund. Because this bill would increase the amount of money in the fund, it would constitute an appropriation.

The bill would also require the Board of Landscape Architects and the Department of Consumer Affairs, prior to June 30, 1991, report to the appropriate policy and fiscal committees of the Legislature with a cost comparison of developing a new licensing examination independent of the national examination.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1549 (AB 2729) Areias. Consumer credit reporting agencies: cosigners.

Existing law known as the Consumer Credit Reporting Agencies Act regulates consumer credit reporting agencies by setting forth the duties of those agencies, requirements on the users of consumer credit reports from those agencies, and remedies available to a credit applicant against consumer credit reporting agencies. Existing law also requires each creditor who obtains the signature of more than one person on a consumer credit contract to deliver to each person prior to, or contemporaneous with, the signing of the consumer credit contract a notice in English and Spanish specifying the responsibilities of the persons signing the contract.

This bill would, with certain exceptions, require any notice provided by a creditor to

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a consumer credit reporting agency in connection with a delinquency on a consumer credit contract to also be provided to cosigners to the obligation, as specified. The bill would prohibit a creditor from providing any information regarding the cosigner's obligation on a consumer credit contract to a debt collector, as defined, concerning that obligation until specified notice has been provided to the cosigner.

The bill would require a consumer credit reporting agency to note in the cosigner's file when a cosigner has paid the amount due to eliminate a delinquency under a consumer credit contract.

This bill would authorize a cosigner who suffers a loss as a result of a violation of the above provision to bring an action, after providing notice to the person who committed the alleged violation, to recover actual damages or $250, whichever is greater, and reasonable attorney fees, unless the matter is resolved through the tender of an amount equal to the loss or otherwise resolved to the satisfaction of the cosigner.

The provisions of this bill would become operative on July 1, 1992.

Ch. 1550 (AB 2910) Margolin. Workers' compensation.

(1) Existing law prescribes the composition and duties of the Industrial Medical Council and provides that members shall be appointed by the Governor, the Speaker of the Assembly, and the Senate Rules Committee.

This bill would revise certain appointments of members of the council and their duties, and would require the council to advise the Medical Director of the Division of Workers' Compensation as to the selection and removal of independent medical and chiropractic examiners.

(2) Existing law requires the division to pay for independent medical examinations.

This bill, instead, would require that payment for these examinations be made upon agreement of a party to pay the cost, and with the consent of the injured employee and his or her representative, if any.

(3) Existing law requires the Health and Safety Commission, within the Department of Industrial Relations, to review and approve applications from employers and employee organizations for grants to assist in establishing effective occupational injury and illness prevention programs.

This bill would also require the commission to review and approve applications submitted jointly by an employer organization and an employee organization, and would provide for the payment of per diem and the reimbursement of expenses for commission members from the Workplace Health and Safety Revolving Fund.

(4) Existing law requires the Workers' Compensation Rate Study Commission to hold meetings as it deems necessary to fulfill its purpose and permits the commission to conduct public hearings.

This bill would make all meetings and hearings held by the commission subject to the Bagley-Keene Open Meeting Act.

(5) Existing law provides that a physician serving as an agreed or qualified medical evaluator who is found to have committed a violation of certain conflict of interest provisions may be terminated, suspended, or placed on probation by the Industrial Medical Council.

This bill would instead provide that a qualified medical evaluator who is found to have committed a violation of provisions may be terminated, suspended, or placed on probation as a qualified medical evaluator by the council.

(6) Existing law requires that an employer who returns a qualified injured worker to modified or alternative work at the employer's place of employment for 12 consecutive months, pursuant to an approved vocational rehabilitation plan, shall receive a refund calculated in accordance with a prescribed method.

This bill would revise this method of calculating the refund.

(7) Existing law provides that workers' compensation disputes involving permanent disability shall be subject to arbitration on January 1, 1991. Existing law also provides that these provisions shall only apply to injuries occurring on or after January 1, 1990.

This bill would specify that these disputes shall be subject to arbitration on January 1, 1991, regardless of the date of injury, and would revise arbitrator selection procedures

(8) Existing law provides that no claim to recover compensation shall be maintained

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unless within 30 days after the occurrence of the injury which is claimed to have caused the disability or death, the employer receives notice of the injury in writing by the injured employee or knowledge of the injury from any source. Existing law further provides that if liability is not rejected within 90 days after the date of a written claim, the injury shall be presumed compensable under workers' compensation law.

This bill, instead, would provide that the injury shall be presumed compensable if liability is not rejected within 90 days after the date the employee filed the claim.

(9) Existing law provides that any employer who discharges, threatens with discharge, or in any manner discriminates against any employee, or any insurer that advises, directs, or threatens an insured employer under penalty of cancellation or a raise in premium or for any other reason, to discharge or in any manner discriminate against an employee, because the employee testified or made known his or her intention to testify in another employee's case before a workers' compensation judge, is guilty of a misdemeanor.

This bill would make it a misdemeanor to take any of the above actions with regard to testimony before the appeals board, rather than a workers' compensation judge. The creation of a new crime would impose a state-mandated local program.

(10) Existing law requires that amounts due a recipient of workers' compensation benefits, which are the result of an audit by the Office of Benefit Assistance and Enforcement and which are unpaid because the person entitled thereto cannot be located, shall be paid to the Workplace Health and Safety Revolving Fund.

This bill would require the Director of Industrial Relations to promulgate rules and regulations establishing standards and procedures for the payment of compensation from moneys deposited into the Workplace Health and Safety Revolving Fund whenever the person entitled thereto applies for compensation.

(11) Existing law requires the Office of Benefit Assistance and Enforcement to audit insurers, self-insured employers, and 3rd-party administrators to determine if they have met their workers' compensation obligations.

This bill would further require the office, commencing April 1, 1990, to publish annually a specified report detailing the results of audits conducted during the preceding calendar year.

(12) Existing law requires the Director of Industrial Relations to levy an assessment upon all employers for the cost of administering the workers' compensation program whenever the total amount appropriated from the Workers' Compensation Administration Revolving Fund, as reflected in the Budget Act for a fiscal year, exceeds the General Fund appropriation in that fiscal year, as reflected in the Budget Act, and the General Fund appropriation meets specified criteria.

This bill would instead provide that, commencing July 1, 1991, and until January 1, 1994, costs of the program shall be shared on a proportional basis between the General Fund and employer assessments, and would require the director to levy asessments upon employers as a whole in an amount equal to 20 % of the total costs of the program.

(13) The bill, among other things, would also make revisions regarding qualified medical evaluators, the Workers' Compensation Appeals Board, psychiatric injuries, temporary disability benefits, vocational rehabilitation, death benefits, the official medical fee schedule, fees chargeable for the preparation of medical-legal reports, and various procedures for hearings, the reimbursement of insurers, and for the filing of liens and claims. It would also delineate the requirements for settlement conference referees, provide for the appointment by the Administrative Director of the Division of Workers' Compensation of information and assistance officers in the division, and would prescribe the creation and use of information request and response forms.

(14) This bill would make various technical, nonsubstantive clarifying changes.

(15) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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Ch. 1551 (AB 4042) Campbell. Toll bridges: carpool vehicles: buses.

(1) Existing law generally requires that the toll on state-owned bridges be fixed by the California Transportation Commission. For bridges in the area under its jurisdiction, the Metropolitan Transportation Commission may adopt a toll schedule which becomes effective if approved by the California Transportation Commission. Under existing law, toll rates for class I vehicles on toll bridges in the area under the jurisdiction of the Metropolitan Transportation Commission, including the Carquinez and Martinez-Benicia Bridges, are established by statute at $1. Existing law authorizes the adoption of either a discounted commute rate or special provisions for high-occupancy vehicles under terms and conditions prescribed by the California Transportation Commission.

This bill would impose a state-mandated local program by requiring the Metropolitan Transportation Commission, in cooperation with the Department of Transportation, to adopt for implementation by June 30, 1991, and the California Transportation Commission to approve, a reduced-rate toll schedule for class I vehicles occupied by 3 or more persons and for buses crossing the Carquinez and Martinez-Benicia Bridges.

The bill would authorize the California Transportation Commission to grant toll-free and reduced-rate passage on toll bridges under its jurisdiction to class I vehicles occupied by 3 or more persons, including the driver, and to buses.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund

Ch. 1552 (AB 4068) Assembly Committee on Human Services. Public social services: Health and Welfare Agency.

Under existing law, the State Department of Health Services, within the Health and Welfare Agency, administers a County Administrative Cost Control Plan for county administration of the determination of benefits for the Medi-Cal program. This plan is part of a single state plan developed by the department and the State Department of Social Services, within the agency, for administrative cost control of the Aid to Families with Dependent Children, Food Stamp, and Medi-Cal programs. These programs receive funding from the federal government.

The bill would require the State Department of Health Services to evaluate current Medi-Cal eligibility determination procedures and to develop one or more proposals to simplify the Medi-Cal eligibility process through the reduction of paperwork and related processing requirements.

The bill would require the department to report to the appropriate committees of the Legislature by December 31, 1991, on the evaluations and proposals developed to simplify eligibility procedures and forms.

Ch. 1553 (AB 4151) Clute. Transportation: highway engineers.

Existing law requires the Department of Transportation to improve and maintain the state highways.

This bill would require the department to develop and implement a recruitment and incentive program for highway engineer positions which may include participation by the department in the repayment of student loans.

The bill would limit the amount the department may expend to develop and implement the program to $125,000 annually, and would authorize that amount to be paid from funds available to the department from the State Highway Account in the State Transportation Fund.

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Ch. 1554 (AB 4152) Cannella. Career criminals.

Existing law establishes various projects to aid in the apprehension and prosecution of criminals, including the California Career Criminal Apprehension Program, the Serious Habitual Offender Program, and the Violent Criminal Information Center.

This bill would establish the Armed Career Criminal Pilot Project, to be implemented by the Department of Justice in all but specified counties. The purpose of the project is to evaluate the propensity of armed career criminals to commit further offenses, to utilize information provided from other agencies to provide law enforcement officials with information on armed career criminals, to assist in identifying suspects, to provide information for sentencing, and to develop a data processing system for information on armed career criminals.

This bill would also require the Department of Corrections, the Department of Motor Vehicles, and law enforcement agencies, when requested by the Department of Justice, to provide copies of existing information maintained in their files regarding armed career criminals, as specified, and to provide followup information as it becomes available. To the extent that this bill would place an added burden on local law enforcement agencies in supplying the required information, it constitutes a state-mandated local program.

The Department of Justice would be required to report to the Legislature, as specified, and the project would be repealed on January 1, 1996.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

The bill would appropriate $140,000 from the Department of Justice's State Asset Forfeiture Fund for the program.

Ch. 1555 (AB 4293) Harris. Transportation infrastructure: funding: California Transportation Commission.

Existing statutory law and provisions of the California Constitution prescribe mechanisms for financing the construction of state highways. Under existing law, the sources of revenue for that purpose are derived from federal aid and state taxation.

This bill would require the California Transportation Commission to conduct a study on the feasibility of establishing in the state government a California Transportation Assistance Bank to assist in financing the state's transportation infrastructure by accumulating and investing the proceeds of increased vehicle fuel tax revenue and borrowed funds, and by making the proceeds available for long-range transportation infrastructure improvements.

The commission would be required to submit its recommendations to the Governor and the Legislature on or before January 1, 1992.

Ch. 1556 (SB 1274) Hart. Demonstration of Restructuring in Public Education: kindergarten and grades 1 to 12, inclusive.

Existing law establishes various experimental school programs but does not provide for a Demonstration of Restructuring in Public Education.

This bill would declare the Legislature's finding that the state's increasingly diverse schoolage population creates a need to restructure public education in a manner that better meets the needs of this diverse population.

This bill would declare the intent of the Legislature to support and encourage a restructuring in public education in order to improve pupil learning that would involve a revision in school governance and management procedures.

This bill would authorize each school district, in developing and implementing policies and procedures pursuant to its provisions in consultation with businesses, public

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institutions of higher education, public and private nonprofit social service and child development agencies, and other organizations, as appropriate, to apply for funds to conduct a demonstration of restructuring in public education. Participating school districts would have maximum flexibility in the development and implementation of a demonstration of restructuring in education in order to implement a local design to support and improve pupil learning.

This bill would require applicant school district governing boards to develop policies and procedures to increase site-level decisionmaking at schools maintained by the school district. Each participating school in the application would be required to design and implement policies and procedures that include designated core restructuring elements. This bill would require that demonstration grants be awarded in accordance with prescribed funding priorities.

Each applicant district would be required to: (1) establish and implement policies and procedures in order to improve pupil achievement in low-performing schools; (2) demonstrate how staff development consistent with specified provisions of existing law will be made available to participating school personnel; and (3) demonstrate how parent education, information, and support will be provided for parents of all racial, ethnic, gender, or socioeconomic backgrounds to be involved in the development and implementation of the restructuring demonstration, and for each parent to be involved in decisionmaking and support for the education program of his or her child. Each applicant school district governing board would be authorized on behalf of a participating school, to request a waiver of any law or regulation, or to conform the application with specified provisions of existing law relating to school-based management and career opportunities programs.

This bill would require each school participating in the demonstration program to prepare a school plan within a time period specified in the district proposal to the state, with the plan indicating how the provision of educational instruction in kindergarten and grades 1 to 12, inclusive, is to be restructured. The school plans would be filed with the appropriate school district.

School districts and consortia of school districts interested in applying for a demonstration grant would be authorized first to obtain a planning grant from the state with the application for the planning grant being a signed letter of intent to submit a proposal for restructuring education. Each applicant school district would be required to develop a demonstration proposal in consultation with specified entities and persons and the proposal would be submitted jointly by the applicant and the collective bargaining representative of the certificated employees of the school district.

This bill would require the school districts, schools, and Superintendent of Public Instruction to ensure that demonstration activities do not promote or perpetuate racial, ethnic, gender, or socioeconomic isolation or segregation among pupils.

This bill would specify the duties of the Superintendent of Public Instruction with respect to the demonstration of restructuring in education. This bill would require the State Board of Education to select districts to participate in the demonstration of restructuring in education.

This bill would require the Legislative Analyst, in consultation with representatives from the State Department of Education and the Department of Finance, to select an independent contractor to conduct the evaluation, as described. The Legislative Analyst would be required to submit interim reports to the State Department of Education, the Legislature, and the Governor on an annual basis until the final report is submitted. Each school district and consortium of school districts participating would be required to assess the success of their pupils in meeting subject matter standards.

This bill would require that planning grants be for an amount up to $30 per pupil, with a $10,000 minimum planning grant. The bill would prohibit the State Board of Education from making a pro rata reduction in the funding of proposals if the total amount requested by applicants exceeds the funding appropriated for these purposes. The total amount of the demonstration grant would be based on pupil enrollment in participating schools multiplied by up to $200 per pupil per year, depending upon the nature and scope of the proposed demonstration, and the demonstration grant would support all compo-

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nents of education restructuring, exclusive of the provision of preschool services. The State Board of Education would be authorized to vary the amount of the demonstration grant, depending on the nature and magnitude of the restructuring proposal submitted. This bill would declare the intent of the Legislature that each school district with an approved proposal to provide preschool and related services be provided additional funding from amounts separately appropriated for those specific purposes.

This bill would appropriate $6,750,000 to the State Department of Education for the 1990–91 fiscal year for the planning grants as set forth in the Demonstration of Restructuring in Public Education. This bill would provide that funds appropriated pursuant to its provisions shall not be used for specified purposes. To the extent that those funds are allocated to a school district for public school purposes, those funds may be applied toward the minimum funding requirements imposed by Section 8 of Article XVI of the California Constitution.

This bill would appropriate $50,000 to the Legislative Analyst for the 1990–91 fiscal year for the purposes of designing and administering the first year of the evaluation required by this bill.

This bill would prohibit the Superintendent of Public Instruction from expending any more than 6% of the amount appropriated for the planning and implementation of this demonstration for the purposes of the administration and outreach and assistance to schools and school districts, as specified.

Ch. 1557 (SB 1334) Bergeson. Controlled substances.

Existing law provides that any person convicted of specified felony offenses relating to controlled substances, shall not be granted probation by the trial court or have the execution of the sentence imposed upon him or her suspended by the court, if specified circumstances exist, unless it is an unusual case where the interests of justice would best be served.

This bill would include specified offenses relating to methamphetamine within the scope of this provision where the person has one or more prior convictions for a violation of specified offenses relating to methamphetamine.

This bill would also require that the existence of any previous conviction or fact which would make a person ineligible for probation under these provisions be alleged in the information or indictment and either admitted by the defendant or found to be true by the jury or the court.

Ch. 1558 (SB 1821) Bergeson. Local agencies.

(1) Existing law authorizes the imposition of various charges, fees, and assessments to provide for services performed by county service areas. Existing law prescribes a procedure by which a public agency may bring an action in the superior court to determine the validity of any matter.

This bill would provide that the validating procedure shall apply in any judicial action or proceeding to validate, attack, review, set aside, void, or annul an ordinance or resolution levying or fixing an assessment, charge, or fee, or modifying or amending an existing ordinance or resolution relating to miscellaneous extended services of community service areas. The bill would require any action or proceeding against an automatic adjustment to an assessment charge or fee to be commenced within 60 days of the effective date of the increase. The bill would require any appeal from a final judgment in an action or proceeding under this bill to be filed within 30 days after entry of judgment.

(2) Under existing law, if a city councilman absents himself without permission from all regular city council meetings for 60 days consecutively from the last regular meeting he attended, his office becomes vacant and is filled as any other vacancy.

This bill would provide, notwithstanding these provisions, that if a city council meets monthly or less frequently than monthly and a city councilmember is absent without permission from all regular city council meetings for 70 days consecutively from the last regular meeting he or she attended, his or her office becomes vacant and is filled as any other vacancy.

(3) Existing law provides that whenever a local agency imposes fees for water con-

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nections or sewer connections, or imposes capacity charges, those fees or charges shall not exceed the estimated reasonable cost of providing the service for which the fee or charge is imposed unless approved by a vote of ⅔ of the electors, as specified.

This bill would require local agencies to refund, by July 1, 1991, sewer service fees collected, for which no services were delivered, under specified circumstances.

(4) Existing law authorizes counties to make loans to special districts to cover costs of conducting feasibility studies relating to cost benefits of consolidation, merger, and reorganization. This law is repealed as of January 1, 1991.

This bill would delete that repealer.

(5) Under existing law, the West Bay Sanitary District is authorized, until January 1, 1991, to use specified procedures relating to the formation of waste water disposal zones, to provide alternative or innovative waste water technologies, as defined, in the district's jurisdiction. If the district provides these technologies, existing law requires the district to submit to the Legislature, by January 1, 1991, a report on the effectiveness of alternative waste water technologies and the specified procedures, recommend changes, if any, in the requirements, and make recommendations as to the desirability of continuing the requirements after January 1, 1991.

This bill would extend that district's authority to use those procedures until January 1, 1992.

(6) Existing law provides a procedure for the formation of a fire protection district by petition. Existing law requires the board of supervisors of a county to call and give notice of an election to form a fire protection district after the review and approval of the formation by the local agency formation commission.

This bill would permit the board of supervisors to dispense with that election and, by resolution, declare the district duly organized, as specified, if the board of supervisors finds that the petition is signed by not less than 51% of the registered voters residing in the proposed district It would make a clarifying cross-reference to existing provisions of law pertaining to the determination of the initial board of directors of a district.

(7) Existing law requires each member of the board of directors of a fire protection district, and each member of a fire commission appointed by the board of directors of the fire protection district, to be residents of the fire protection district, except when a county board of supervisors has appointed itself as the board of directors of the fire protection district. Existing law further requires a member of a board of directors of a fire protection district that is elected by divisions to be a resident of the division from which he or she is elected.

This bill would also require each member of the board of directors of a fire protection district to be a registered voter of the district, when the board of directors is an elected board The bill would require a member of a board of directors of a fire protection district that is elected by divisions to be, instead, a registered voter of the division from which he or she is elected.

(8) Existing law allows a local agency formation commission to change the number of members of a fire protection district board incident to a change of organization.

This bill would extend these powers of a commission to reorganizations as well.

(9) Existing law provides for the distribution of a percentage of all fines and forfeitures resulting from arrests by members of the police department or fire department of a community services district to be credited to the community services district by the county treasurer

This bill would allow the Kensington Community Services District and the County of Contra Costa, by mutual agreement, to adjust the statutory percentages of fines and forfeitures to be received by the district and county.

The bill would state that these provisions constitute necessary special legislation.

(10) Under existing law members of the board of directors of a regional park district, regional park and open-space district, or regional open-space district are limited to receiving an amount not to exceed $100 per day for each attendance at a meeting of the board. Existing law specifically limits board members of the East Bay Regional Park District to receiving compensation for not more than 10 meetings in any calendar month

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This bill would instead limit board members of the East Bay Regional Park District to receiving compensation for not more than 10 days in any calendar month.

(11) Under the Orange County Transit District Act of 1965, the members of the board of directors of the district are entitled to per diem compensation at the rate of $75 per day, not to exceed $300 in any calendar month, for attending board meetings and for performance of any other services for the district as authorized by the board.

This bill would authorize the board to increase the rate of per diem compensation of its members to $100 per day, not to exceed $500 in any calendar month.

(12) Existing law permits a water conservation district to issue negotiable promissory notes bearing interest at a rate not to exceed 7% per year.

This bill would permit a water conservation district to issue those notes at a rate not to exceed the rate set by the governing body of the water conservation district, but not exceeding 12% per year.

(13) Under the existing Monterey Peninsula Water Management District Law, one member of the board of directors of the district is required to be the mayor of a city which is a member unit and who is appointed by those members of the city selection committee of the county representing member units pursuant to specified law.

This bill would instead require that one member is to be the mayor of the governing body, or chief executive officer of a city which is a member and who is appointed as provided by existing law

Ch 1559 (SB 1990) Ayala Metallic balloons.

Existing law does not restrict the sale, distribution, or release of a balloon which is constructed of electrically conductive material and which is filled with a gas lighter than air or which is attached to an electrically conductive appurtenance.

This bill would restrict the sale, distribution, or release of the above, as specified.

The bill would make a first and second violation of the above an infraction and a third and subsequent violation a misdemeanor. To the extent that the bill would create new crimes, it would impose a state-mandated local program.

This bill would require electrical corporations to report to the Public Utilities Commission every other month from January 1, 1991, until June 30, 1992, regarding electrical service disruptions caused by metallic balloons, as specified, and would require the commission to report to the Legislature, as specified.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason

Ch 1560 (SB 2079) Roberti Kidnapping.

Existing law provides that the punishment for kidnapping is imprisonment in the state prison for 3, 5, or 8 years. Under existing law, if the person kidnapped is under 14 years of age at the time of the kidnapping, the punishment is imprisonment in the state prison for 5, 8, or 11 years, unless the taking, concealing, or detaining of the minor child was perpetrated by a person with a specified legal relationship to the minor

This bill would also provide that any person who kidnaps another for the purpose of committing rape or other specified sex-related violent crimes shall be punished by imprisonment in the state prison for 5, 8, or 11 years.

Ch. 1561 (SB 2594) Robbins. Civil procedure: summary judgment and summary adjudication.

Existing law sets forth the grounds for and effects of summary judgment and summary adjudication. Existing law, among other things, provides evidentiary objections not made either in writing or orally at the hearing shall be deemed waived

This bill would revise existing law and provide all of the following: (1) evidentiary objections to a motion for summary judgment not made at the hearing shall be deemed waived; (2) any incorporation by reference of matter in the court's file shall set forth with specificity the exact reference to which reference is being made and shall not

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incorporate the entire file; (3) any objections based on the failure to comply with provisions governing supporting and opposing affidavits or declarations shall be made at the hearing or shall be deemed waived; (4) if it is contended that one or more causes of action within an action has no merit, as specified, or that there is no defense thereto, as specified, or that one or more defendants either owed or did not owe a duty to the plaintiff or plaintiffs, any party may move for a summary adjudication as to that cause of action, causes of action, claim for damages, affirmative defense, or issue of duty; and (5) that upon the grant of a motion for summary judgment, on the ground that there is no triable issue of material fact, the court shall make an oral or written order, as specified

This bill would also delete specified provisions allowing a party to move for summary adjudication of issues, as specified.

Ch. 1562 (SB 2832) Robbins. Insurance Commissioner: fees

Existing law authorizes the Insurance Commissioner to increase or decrease fees charged by the Department of Insurance, as specified. Any increase or decrease is required to be announced by bulletin not later than January 31 of any year, to be effective on July 1 of that calendar year.

This bill would, instead, authorize the department to make a single annual increase or decrease in fees, on a fiscal basis, at any time during the year if it is announced by bulletin issued at least 90 days prior to the effective date of the increase or decrease, would provide that for any bulletin issued between August 1 and December 1 of any year, notice shall be given to specified chairpersons of committees of the Legislature and if the chairpersons give notice of objection, the increase or decrease shall take effect February 1 of the following year unless rescinded by the Legislature and would make related changes.

Under existing law, the limit on the amount of fee increase or decrease is the greater of the amount necessary to provide sufficient moneys to meet appropriations contained in the Governor's Budget for the next succeeding fiscal year, or the increase or decrease in the Gross National Product Implicit Price Deflator, as specified.

This bill would, instead, limit the amount to that necessary to meet those budget appropriations for the next succeeding fiscal year, or to the extent that moneys received are insufficient to meet the appropriations authorized by the annual Budget Act during the then current fiscal year, an amount necessary to meet those appropriations.

The bill would also provide that specified costs relating to the insolvency of an admitted insurer shall be an expense of administration, as specified.

Ch. 1563 (AB 3243) Lancaster. Vehicles: occupational licenses.

(1) Existing law defines "good moral character" for purposes of the issuance, suspension, and revocation of various vehicle-related occupational licenses under the jurisdiction and control of the Department of Motor Vehicles

This bill would delete that definition, and would instead permit the department to refuse to issue or suspend a license for conviction of a crime involving moral turpitude related to the qualifications or duties of the licensed activity, as specified.

(2) Under existing law, a new motor vehicle dealer may appeal an action of the department to the New Motor Vehicle Board, as prescribed

This bill would revise the authority of the board to act on temporary suspensions and revocations of dealer's licenses ordered by the department.

(3) Under existing law, the department regulates and issues licenses to driving schools and instructors, all-terrain vehicle safety training organizations and instructors, traffic violator schools and instructors, automobile dismantlers, lessor-retailers, manufacturers, manufacturer branches, remanufacturers, remanufacturerer branches, distributors, distributor branches, transporters, dealers, vehicle salespersons, and representatives.

This bill would revise the requirements for the issuance and the grounds for refusal to issue, suspension, and revocation of these licenses. The bill would make these requirements applicable to certain applicants and licensees which are businesses and to business representatives of those businesses, rather than partnerships and corporations

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The bill would make other related and conforming changes.

(4) Existing law prohibits various activities in connection with the advertising or sale of motor vehicles by licensed vehicle dealers and lessor-retailers.

This bill would, with specified exceptions, also make it unlawful for a dealer or a lessor-retailer to display a vehicle for sale at a location other than an established place of business authorized by the department for that dealer, or at a location other than the principal place of business or branch office authorized by the department for that lessor-retailer, respectively.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

Because a violation of the above requirements by a licensee would, under other provisions of existing law, be a crime, the bill would impose a state-mandated local program by creating new crimes.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1564 (SB 2522) Davis Vehicle theft.

(1) Under existing law, until January 1, 1993, persons who have been convicted of 2 previous violations of vehicle-related thefts and who are subsequently convicted of certain vehicle-related offenses are required to be imprisoned in the state prison for 2, 3, or 4 years

This bill would require that the 2 previous violations of vehicle-related thefts have been misdemeanor violations.

(2) Existing law, until January 1, 1993, prohibits granting a defendant who is convicted of certain felony vehicle-related offenses an alternative sentence to county jail.

This bill would delete that prohibition.

(3) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1565 (SB 1436) Seymour. Orange County. highways: toll revenues.

Existing law authorizes the Board of Supervisors of Orange County and the city council of any city within that county to require the payment of development fees, as specified, for purposes of defraying the costs of building bridges and major thoroughfares, and to enter into joint exercise of powers agreements to construct toll roads. Existing law specifies the purposes for which tolls may be collected.

This bill would authorize a joint powers agency to make toll revenues and specified fees available, in the form of a subordinated loan, to another joint powers agency established for the purposes of designing, financing, and constructing coordinated and interrelated major thoroughfares, if specified findings are made by the lending agency and the lending agency meets specified conditions.

This bill would incorporate additional changes in Section 66484.3 of the Government Code, proposed by SB 1435, SB 1437, and both, to become operative only if SB 1435 or SB 1437, or both, and this bill are enacted and this bill is enacted last.

Ch 1566 (SB 1435) Seymour. Orange County: highways, bridges: development fees.

Existing law authorizes the Board of Supervisors of Orange County, and the city council of any city within that county, to require the payment of development fees, as specified, for purposes of defraying the costs of building bridges and major thoroughfares, and to enter into joint exercise of powers agreements to construct toll roads. The method of apportioning the fees is required to be incorporated in a resolution adopted by the board of supervisors or city council in accordance with specified procedures. Existing law provides that such a resolution may be modified pursuant to the same procedures.

This bill would authorize, if a joint powers agency has been formed, the resolutions of a city or county which is a party to the joint exercise of powers agreement to be modified by the joint powers agency following public notice and hearing and the meeting of specified conditions by the joint powers agency.

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Ch. 1567 (SB 1437) Seymour. Highways, bridges: development fees.

Existing law authorizes the Board of Supervisors of Orange County and the city council of any city within that county, to require the payment of development fees, as specified, for purposes of defraying the costs of building bridges and major thoroughfares, and to enter into joint exercise of powers agreements to construct toll roads. The term "construction" is defined for these purposes to include, among other things, administration of construction contracts.

This bill would specify that those fees may be used to defray, and in cases involving the collection of a toll charge may include a charge for, financing costs.

This bill would incorporate additional changes in Section 66484.3 of the Government Code, proposed by SB 1435, SB 1436, or both, to become operative only if SB 1435 or SB 1436, or both, and this bill are enacted and this bill is enacted last.

Ch. 1568 (AB 312) Eastin Public assistance: GAIN.

Existing law provides through the Greater Avenues for Independence Act of 1985 (GAIN) for an employment and training services program for AFDC recipients, which is administered by each county welfare department, in conformance with regulations adopted by the State Department of Social Services.

This bill would reorganize the provisions of the act and make changes in the child care services, job training, and education components of the program, among others. This bill would delete references to obsolete programs and make various technical changes.

Existing law provides until January 1, 1991, that a parent with a child under the age of 3 years is not required to register for the GAIN program, except that any parent who is 18 or 19 years old and who has not earned a high school diploma or its equivalent and whose child is under 3 years of age, is required to participate solely for the purpose of earning a high school diploma or its equivalent. Existing law also provides until January 1, 1991, that a person primarily responsible for the care of a child aged 3 to 5 years, inclusive, is required to participate for no more than 20 hours per week, and only if child care is guaranteed.

This bill would delete the repeal of the above provisions, would provide that a person with a child under the age of 3 years who volunteers to register would be required to participate for no more than 20 hours per week and only if child care is provided, and would require custodial parents under 20 years of age who have not earned a high school diploma or its equivalent to register solely for the purpose of earning a high school diploma or its equivalent, with certain exceptions.

Existing law, on January 1, 1991, makes various changes in the eligibility, deferral, and exemption provisions concerning pregnant women and mothers of infants, including mothers aged 18 and 19 years, as well as other specified persons, requires counties to provide specified information to AFDC applicants regarding the program, specifies mandated activities for those required to register, and provides for voluntary participation for certain individuals currently excluded from the program.

This bill would delete the repeal of those existing GAIN program provisions, and would repeal the changes proposed to become operative January 1, 1991

Existing law, until January 1, 1991, requires that participation in GAIN program job search activities be limited to 8 weeks in any 12-consecutive-month period, with certain exceptions.

This bill would continue the operation of that provision.

Under the GAIN program, a participant may be provided with advanced preemployment preparation, as defined, with the number of hours a person participates in an assignment determined by adding the person's grant, less child support paid to the county, and dividing that factor by the average hourly wage for all job orders placed with the Employment Development Department.

Existing law, on January 1, 1991, will include a person's food stamp allotment in that formula for determining the required hours of participation. Existing law also requires that the hours be recomputed if a person participates in an assignment for 9 months, according to a specified formula.

This bill would continue the operation of the above requirements.

Under existing law, if a county determines that it must implement reductions in the

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number of participants in the GAIN program, the county is required to first halt program intake of certain groups of applicants, in a specified order of exclusion.

This bill would revise the order of exclusion from participation in the GAIN program when implementing reductions in the program.

Under the GAIN program, a participant is subject to specified sanctions, including money management services and financial sanctions, for failure or refusal to participate in a program component, if specified conciliation efforts have failed. Voluntary program participants are not subject to money management services or financial sanctions, but are precluded from participating in the program for a period of 6 months, in the event of noncompliance.

This bill would provide for the imposition of sanctions for the refusal or failure to comply with program requirements, but would otherwise continue the operation of the above provisions.

Until January 1, 1991, existing law specifies that money management services shall constitute an extension of formal conciliation, subject to federal approval, and specifies the criteria used in imposing sanctions on participants failing or refusing to comply with program requirements in a program component, and provides for notice to the spouse of the noncomplying participant of his or her own opportunity to participate. It provides, in addition, that voluntary program participants who fall into specified preferential categories shall, in the event of noncompliance, not be given priority so long as other individuals are actively seeking to participate.

Under the GAIN program, a person is not subject to sanctions for failure to comply with program requirements for good cause, which is defined to include cases in which the person's grant is greater than the postemployment income would be if the job offer were accepted.

Existing law, until January 1, 1991, defines "postemployment income" as any unearned income plus the gross earnings from the job offered, less specified salary deductions, transportation, and, under certain conditions, child care, after which "postemployment income" is defined as any unearned income plus the gross earnings from the job offered, less specified salary deductions, the cost to participant of health insurance premiums, child care, transportation, and other mandatory work-related expenses, and the cash equivalent value of the difference between the assistance food stamps and the nonassistance food stamps for which the participant is eligible.

This bill would define "postemployment income" as gross income less specified work-related expenses.

Under the GAIN program, eligible participants may attend specified education programs, including high school proficiency classes, for a period of up to 2 years.

This bill would require all custodial parents 16 and 17 years of age, whether applicants for or recipients of AFDC, to register for the GAIN program, to work toward achieving a high school diploma or its equivalent, and attend school on a full-time basis. The bill would authorize them to participate, without time limitations, in the initial educational components of the program in order to achieve a basic level of literacy or to earn a high school diploma. The bill would provide that certain supportive services under the GAIN program be provided to participants, including child care, in addition to special educational services and programs made available by the school district and the county. If the department determines that the county cannot provide specified services, the parents would be deferred from participation if they choose. Participants completing the educational requirement would be encouraged to remain in the GAIN program on a volunteer basis for additional job training.

This bill would also require counties to incorporate certain services regarding teenage parents into the county plans designed pursuant to the GAIN program. In addition, each county would be required to provide case management services to assist teenage parents participating in the GAIN program If the county chooses to contract for case management services, it would be required to maintain one or more liaison staff members who have expertise in the needs of teenage parents.

This bill would make various findings and declarations in regard to its provisions.

This bill would require the Director of Social Services to adopt emergency regulations

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to implement its provisions.

By requiring counties to perform various duties under these provisions, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would state that no reimbursement is provided for a specified reason.

This bill would declare that it is to take effect immediately as an urgency statute, and that it shall become operative on October 1, 1990, or the date of federal approval of the Job Opportunity and Basic Skills program and supportive services state plan preprint, whichever is later.

Ch. 1569 (AB 2459) Klehs. Podiatrists.

Existing law provides that a disability insurance policy may provide for the payment of certain health care services, and provides that no policy shall prohibit the insured from selecting any other person who is the holder of a certificate or license under specified acts to perform covered services where the person is authorized to perform those services.

This bill would add podiatrists to the list of licensees who may be selected by the insured, and would make a technical change

This bill would incorporate additional changes in Section 10176 of the Insurance Code, proposed by AB 2044, to be operative only if AB 2044 and this bill are both chaptered and become effective January 1, 1991, and this bill is chaptered last.

Ch 1570 (AB 2617) Felando. Criminal records.

Existing law requires specified persons, including, among others, those who operate or manage a community care facility, to be fingerprinted to enable the State Department of Social Services to determine, prior to the issuance of a license for that activity, if the person has ever been convicted of a crime other than a minor traffic violation.

This bill would amend those provisions to provide that each of these persons shall be fingerprinted to determine if the person has ever been convicted of, or, after having been arrested and released on bail or on his or her own recognizance, is currently awaiting trial for, rather than ever been convicted of, a crime other than a minor traffic violation. The bill also would provide that these records may be used by the department or by a licensed adoption agency as a clearance required for adoption purposes.

In addition, the bill, among other things, would provide that before issuing a license, special permit, or certificate of approval to operate or manage a foster family home or certified family home, as described, the state department or other approving authority shall secure from an appropriate law enforcement agency a criminal record to determine whether the applicant or any other adult person residing in the home has ever been convicted of, or arrested for, a crime other than a minor traffic violation

Because the bill would require these persons, as part of the application, to be fingerprinted and sign a declaration under penalty of perjury regarding any prior criminal arrests or convictions, the bill would expand the scope of the crime of perjury, thereby imposing a state-mandated local program.

Existing law requires the Department of Justice to maintain state summary criminal history information, as defined, and to furnish that information to specified persons.

Existing law provides that whenever state summary criminal history information is furnished and is to be used for licensing, employment, or certification, the department may charge a fee, as specified, in order to cover the cost of taking the fingerprints and processing the required documents. Existing law also requires that all moneys received pursuant to these provisions, and other specified provisions, shall be deposited in a special account in the General Fund, to be available to the department, when appropriated by the Legislature, to offset costs incurred pursuant to those provisions, and for maintenance and improvements to the systems from which the information was obtained, as specified.

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This bill would provide that the fees collected from human resource agencies or employers who request specified summary criminal history information regarding specified potential employees shall be deposited in the special account in the General Fund available to the Department of Justice, as specified.

Existing law provides that an employer may request from the Department of Justice, as specified, records of all convictions involving any sex crimes, drug crimes, or crimes of violence of a person who applies for employment or volunteers for a position in which he or she would have supervisory or disciplinary power over a minor.

This bill, instead, would provide that a human resource agency, as defined, or an employer may request from the department, as specified, records of all convictions or any arrest for which the person is released on bail or on his or her own recognizance pending trial, involving any sex crimes, drug crimes, or crimes of violence, as specified, of a person who applies for a license, employment, or volunteer position, in which he or she would have supervisory or disciplinary power over a minor or any person under their care.

The bill also would specify that contract security organizations or proprietary security organizations, as defined, may obtain criminal history information regarding an employee to the extent that financial institutions and human resource agencies have that authority concerning their own employees.

This bill would, in addition, require the Department of Justice to promulgate regulations to assure that criminal record information is not released to persons or entities not authorized to receive the information for the purposes of these provisions.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason

Ch. 1571 (AB 3087) Hayden Crimes. punishments.

Under existing law, if a person takes, damages, or destroys any property in the commission or attempted commission of a felony, with the intent to cause that taking, damage, or destruction, and the loss exceeds $25,000 or $100,000, the court shall impose an additional term of 1 and 2 years, respectively.

This bill would state that in any accusatory pleading involving multiple charges of taking, damage, or destruction of the property, the additional terms provided above may be imposed if the aggregate losses to the victims from all felonies exceed the amounts specified in the law

This bill would provide that this provision shall remain operative until July 1, 1992, and as of that date is repealed.

The bill would require the Attorney General to conduct a survey and report to the Legislature on or before January 31, 1992, on the number and type of cases in which enhancements were applied between January 1, 1991, and December 31, 1991, pursuant to the provisions of this bill.

Ch. 1572 (AB 3228) Frazee. Local government fees.

Under existing law, there are various limitations and procedural requirements applicable to the imposition by local governmental agencies of fees and exactions on real property and development. Existing law also authorizes a city, county, or city and county, to impose fees or charges in connection with the operation of an aerial tramway within its jurisdiction. Existing law defines "local agency" with respect to conditions for the imposition of development fees by local agencies.

This bill would consolidate certain of these provisions of existing law without substantive change and would make technical, clarifying, and corrective changes.

This bill would revise the definition of local agency with respect to the imposition of development fees to include authorities, agencies, and other political subdivisions of the state and would employ the same definition with respect to provisions relating to water and sewer connection fees, fees for development projects, and other fees and charges imposed by local agencies. By enlarging the definition of local agency for these purposes,

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this bill would impose the limitations and procedural requirements of existing law on new entities, thus imposing a state-mandated local program.

Existing law specifies the procedures for the Antelope Valley-East Kern Water Agency to establish a one-time facility capacity fee.

This bill would revise a cross-reference in those procedures.

This bill would state the intent of the Legislature not to alter specified provisions of law regarding liability of public entities for public utility capital facilities fees.

This bill would incorporate additional changes in Section 65863.7 of the Government Code, proposed by SB 399, to be operative only if SB 399 and this bill are both chaptered and become effective January 1, 1991, and this bill is chaptered last.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1573 (AB 3397) Hayden. Postsecondary education.

(1) Existing law establishes the California Postsecondary Education Commission comprised of 15 representatives appointed in a prescribed manner.

This bill would add 2 student representatives to the commission, each of whom would be required to be enrolled at a California postsecondary education institution for the extent of his or her term, to be appointed by the Governor, on a rotating basis among the various postsecondary education segments in a specified order However, a student member who graduates from an institution with no more than 6 months of his or her term remaining would be permitted to serve for the remainder of the term.

(2) Under existing law, the 2 student members of the Student Aid Commission are appointed from a list of nominees submitted by the appropriate student organization of each of the postsecondary education segments, as specified. Appointees under existing law are required to be enrolled in an institution in the appropriate segment at the time of appointment and during their respective terms.

This bill would instead provide that the student member appointed to the commission shall not be enrolled in the same segment as the outgoing student member or in the same segment of the other sitting student member. It would also permit a student member who graduates from an institution with no more than 6 months of his or her term remaining to serve for the remainder of the term

Ch. 1574 (AB 3560) Sher. Underground storage tanks.

(1) Existing law prohibits the ownership or operation of an underground storage tank used for the storage of hazardous substances unless a local agency issues a permit for its operation. Existing law also imposes various design, installation, monitoring, release, closure, and financial responsibility requirements with regard to underground storage tanks

Existing law, the Johnston-Filante Hazardous Substance Cleanup Bond Act of 1984, provides for the issuance and sale of general obligation bonds in an amount not to exceed $100,000,000 and requires that these proceeds be deposited in the Hazardous Substance Cleanup Fund. The bond act requires that the hazardous substance release site be listed on a specified priority ranking of sites and a final remedial action plan be prepared for a removal or remedial action paid for from the fund

This bill would require the State Water Resources Control Board, in cooperation with the State Department of Health Services, to develop and implement a local oversight program for the abatement of, and oversight of the abatement of, unauthorized releases of hazardous substances from underground storage tanks by local agencies. The bill would require the board to select local agencies for participation in the program pursuant to specified criteria.

The bill would authorize the board to enter into agreements with local agencies to perform cleanup, abatement, or other action necessary to remedy the effects of a release of hazardous substances from an underground storage tank The bill would require the board to provide funding to a local agency which enters into an agreement for the

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reasonable costs incurred by the local agency, as specified.

The bill would provide that the requirements that a site be listed on the priority ranking of sites and that a specified order or agreement be issued or entered into by the department, do not apply to the expenditure of money from the fund for the oversight of abatement of releases as part of the local oversight program.

The bill would require a local agency to notify the responsible party of its liability for a site subject to cleanup under the program. The bill would provide that the responsible party is liable for the site-specific oversight costs, calculated as specified, which are incurred in overseeing the cleanup of an unauthorized release from an underground storage tank The bill would authorize an aggrieved person to petition the board to review the action or failure to act of a local agency under the program.

(2) Existing law requires an owner or operator of an underground storage tank containing petroleum to pay an annual $200 maintenance fee for each underground storage tank issued a permit, which is deposited in the Underground Storage Tank Cleanup Fund in the General Fund. The board is authorized to expend the money in the fund, upon appropriation by the Legislature, for, among other things, to pay for implementation costs, the administrative costs of collecting the fee, the cost of corrective action by the regional board or local agency, the costs of an agreement with a local agency to clean up releases from underground storage tanks, the costs of the cleanup of releases at abandoned sites, the payment of claims by tank owners or operators for the reimbursement of corrective actions costs, and the repayment of a specified loan. The Attorney General is required to recover the costs incurred and payable from the fund from the owner or operator.

This bill would specify that the costs of an agreement with a local agency to clean up releases from underground storage tanks are not recoverable under those provisions and, that only costs which are recoverable are the costs of corrective action by the regional board or local agency and the cleanup of releases at abandoned tank sites

Ch. 1575 (SB 308) Seymour. Infrastructure financing districts.

(1) Under existing law, redevelopment agencies are authorized to pay the principal of, and interest on, indebtedness incurred to finance or refinance redevelopment, from a portion of property tax revenues diverted from other taxing agencies. The portion of taxes diverted is the amount attributable to increases in assessed valuation of property in the redevelopment project area subsequent to establishment thereof. This method of financing is commonly known as "tax increment" financing and is specifically authorized by Section 16 of Article XVI of the California Constitution.

This bill would authorize counties and cities to form infrastructure financing districts, in accordance with a prescribed procedure, to finance public capital facilities utilizing a similar method of tax increment financing, but tax revenues of county offices of education, school districts, or community college districts would not be subject to diversion under the bill.

Because county officers would be responsible for this division of taxes under the bill, the bill would impose a state-mandated local program in the case of districts formed by cities, but the bill would require all infrastructure financing districts to reimburse those county costs. The bill would permit a district to only finance the purchase of facilities for which construction has been completed and would provide that these facilities need not be physically located within the boundaries of the district. This bill would prohibit infrastructure financing districts from overlapping redevelopment project areas. The bill would require any district which constructs dwelling units to set aside not less than 20% of these units to increase and improve the county's supply of low- and moderate-income housing available at an affordable housing cost, as defined, to persons of low and moderate income, as defined. The bill would require approval by the district's landowners or voters, as specified, of district formation and of bonds to be issued by the district to finance public capital facilities. The bill would require that financing be given to public capital facilities that provide significant benefits to an area larger than the area of the district

The bill would authorize a certain percentage of affected taxing entities to veto formation of an infrastructure financing district. It would impose a state-mandated local

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program by requiring the taxing entity to submit the question of approval of the infrastructure financing plan to a referendum of its voters if so requested by the city or county proposing formation of the infrastructure financing district. The bill would require a city proposing formation of an infrastructure financing district to pay costs of the election, the results of which would be binding upon each affected taxing entity.

The bill would require provision of relocation assistance and payments to persons displaced as a result of private development or public works construction in an infrastructure financing district. The bill would prohibit displacement of defined persons and families of low or moderate income unless there is available suitable alternative housing, as specified The bill would also require the city council or county board of supervisors administering the district to cause or require the construction or rehabilitation of specified dwelling units if the dwelling units removed or destroyed are not inhabited by persons of low or moderate income, as defined.

The bill would require any judicial action questioning the validity of the creation of an infrastructure financing district, adoption of an infrastructure financing plan, or an election under the bill to be commenced within 30 days after enactment of the ordinance creating the district. The bill would require any action challenging issuance of bonds under the bill to be brought under provisions regulating so-called validating actions and to be commenced within 30 days after the resolution authorizing issuance of the bonds.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1576 (SB 2722) C. Green Vehicles: sales: advertising

(1) Existing law prohibits certain acts by a motor vehicle lessor-retailer, as defined, licensed by the Department of Motor Vehicles.

This bill would prohibit additional specified acts of lessor-retailers relative to advertisements for vehicles and vehicle transactions

Because a violation of these provisions would be a crime under other provisions of law, the bill would impose a state-mandated local program by creating new crimes.

(2) This bill would incorporate additional changes in Sections 11614 and 11713 1 of the Vehicle Code proposed by AB 3243 to become operative only if both bills become effective January 1, 1991, and this bill is chaptered after AB 3243.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch 1577 (SB 2808) Vuich. Fairs: funding.

(1) Under the Horse Racing Law, funding for district agricultural associations, county fairs, citrus fruit fairs, and the California Exposition and State Fair is from the Fair and Exposition Fund, which is a continuously appropriated fund, consisting of, among other things, license fees imposed under that law.

This bill would define "state designated fairs," referred to as "California fairs," list all such fairs, and make related changes in this regard. The bill would also make a statement of legislative intent with respect to those provisions.

(1.5) Under that law, various amounts are appropriated from the first balance of the fund to the Department of Food and Agriculture for specified purposes

This bill would revise the amounts appropriated for those purposes.

(2) Under that law, specified amounts are annually appropriated from the fund to the California Exposition and State Fair, the Los Angeles County Fair, and the 1-A District Agricultural Association.

This bill would annually appropriate $150,000 to the National Orange Show. The bill would require each fair that receives any funds appropriated pursuant to this provision

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to file an annual statement of operations with the Department of Food and Agriculture, conduct an annual fair which includes agricultural exhibits and competitions, and either have an annual budget approved by the department or annually submit an audited financial statement to the department.

(3) Under that law, the funds in (2) above appropriated to Los Angeles County, with the approval of the department, are authorized to be used for the payment of exhibit premiums, capital outlay, and support and maintenance of that fair.

This bill would authorize all the fairs specified in (2) above to use their appropriations for those purposes.

(4) Under that law, $150,000 is annually appropriated from the fund to citrus fruit fairs meeting specified criteria.

This bill would delete this appropriation.

(5) Under that law, specified license fees deposited in the fund are authorized to be used for, among other things, the payment of exhibit premiums and the support of student organization activities in agricultural and vocational education.

This bill would delete that authorization and would require the Director of Food and Agriculture to allocate at least $300,000 annually to support those student organization activities.

(6) Under that law, up to $2,250,000, as determined by the director, is annually appropriated for specified fair capital expenditures.

This bill would delete this appropriation.

(7) Under that law, there is in the department a Fair Budget Review Board to advise the director on specified matters relating to fairs

This bill would abolish the board.

(8) Under that law, funds are not allocated to a fair in any year in which it was not held, except because of war or the fair is occupied by the federal government.

The bill would also add to the exceptions an act of God and unavoidable catastrophe

(9) Under that law, certain unallocated funds are appropriated for allocation to fairs by the director for various specified fair projects and general operational purposes.

This bill would prohibit the director from allocating any funds pursuant to this provision to the California Exposition and State Fair, the Los Angeles County Fair, and the National Orange Show.

(10) Existing law authorizes the California Exposition and State Fair, district agricultural associations, county fairs, and citrus fruit fairs to participate in a self-insurance program. Existing law requires the Department of General Services to administer the California Fairs Insurance Fund, and to process, investigate, and settle all claims against the fund.

This bill would repeal those provisions.

Ch. 1578 (SB 108) Lockyer. Childhood sexual abuse: time of commencing action.

Under existing law, an action for injury or illness arising out of an incestuous, or other specified relationship, occurring when the plaintiff was a minor, is generally required to be commenced within 3 years.

This bill would revise those provisions and, instead, would require that an action for recovery of damages suffered as a result of childhood sexual abuse, as defined, shall be commenced within 8 years of the date the plaintiff attains the age of majority or within 3 years of the date the plaintiff discovers or reasonably should have discovered that the psychological injury or illness occurring after the age of majority was caused by sexual abuse, whichever occurs later.

The bill would require certain plaintiffs to file certificates of merit, as specified, and would specify the consequences for failure to file.

The bill would apply to actions filed on or after January 1, 1991.

Ch. 1579 (SB 2453) Maddy. Seismic safety: surgical clinics: ambulatory surgical centers.

Under existing law, the Office of Statewide Health Planning and Development reviews the plans and inspects the design and details of the architectural, structural, mechanical, plumbing, and electrical systems in the construction of hospital buildings,

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as defined, for earthquake safety hazards.

Existing law requires the office to prescribe minimum construction standards of adequacy and safety for the physical plant of clinics, including surgical clinics, as defined. Under existing law, any person who violates a provision of this law or who willfully or repeatedly violates any rule or regulation promulgated thereunder is guilty of a misdemeanor.

This bill would require any facility licensed as a surgical clinic, as defined, and any facility certified for participation in the federal Medicare program as an ambulatory surgical center, which, after January 1, 1991, anchors fixed medical equipment, as described, to the floor, roof, walls, or ceiling of the facility to retain the services of an architect licensed in California, a structural engineer licensed in California, or a civil engineer registered in California to assure that the equipment is properly anchored, as described. This bill would impose a state-mandated local program by creating a new crime, since the failure to comply with these provisions would be a misdemeanor pursuant to existing provisions of law.

This bill would require the facility to keep available for inspection by the department a current written certification from the architect or engineer for 5 years after the installation of the fixed medical equipment, that the equipment is mounted in accordance with the applicable requirements.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this bill for a specified reason.

Ch. 1580 (SB 2863) Presley. Correctional institutions.

Existing law provides that in any case in which a person dies while in the custody of any law enforcement agency or while in custody within a local or state correctional facility in this state, the agency or the agency in charge of the correctional facility shall make a written report within 10 days to the Attorney General concerning the death.

This bill would provide that any death of a person that occurs in a facility operated by the Department of Corrections, the Department of the Youth Authority, the Department of Mental Health, cities or counties, juvenile facilities, or facilities under contract with any of those entities for the incarceration, rehabilitation, holding, or treatment of those accused or convicted of crimes, shall be reported, as specified, within a reasonable time, not to exceed 2 hours of the discovery of the death, to specified local law enforcement agencies and officers, and the county coroner, as specified The bill would provide that the death shall also be reported to the county district attorney's office, and to the Central Office of the Chief of Medical Services of the Department of Corrections or the Department of the Youth Authority, as specified, as soon as those entities or their designated representatives are on duty.

The bill would require that the initial report contain specified information regarding the details and circumstances of the death, and that it be transmitted in a specified manner. The bill would further provide that the initial report shall be supplemented by a written report within 8 hours of the death, as specified, which shall be submitted to the same entities as the initial report.

To the extent that this bill would impose increased duties on city and county law enforcement and correctional or rehabilitation facilities in reporting deaths, it would constitute a state-mandated local program.

Existing law makes it a felony, punishable by imprisonment in the state prison for 16 months or 2 or 3 years for any person to unlawfully bring, send, or possess, as specified, controlled substances, drugs, alcoholic beverages, certain devices, certain contrivances, certain instruments, and certain paraphernalia into, or within, correctional institutions.

This bill would recast these provisions by increasing the term of imprisonment for the above unlawful activities involving controlled substances, as defined, the possession of which is prohibited, to 2, 3, or 4 years in state prison.

The bill would also make it a felony to knowingly possess within correctional facilities or their grounds any drugs, alcoholic beverages, certain contrivances, certain devices,

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and certain paraphernalia, except as may be authorized.

The bill would make it a felony punishable by imprisonment in the state prison for 2, 4, or 6 years for any person, other than a person held in custody, to sell, furnish, administer, or give, or offer to do the same, to any person held in the custody of a correctional institution any prohibited controlled substance, without authorization.

To the extent that this bill would create new crimes, the bill would impose a state-mandated local program.

This bill would additionally provide that the prohibitions and sanctions in the bill shall be clearly and prominently posted outside of, and at the entrance to, the grounds of all detention facilities under the jurisdiction of, or operated by, the state or any city, county, or city and county. To the extent that the bill would require local governmental entities to post certain notices, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that for certain costs no reimbursement is required by this act for a specified reason.

However, the bill would provide that if the Commission on State Mandates determines that this bill contains other costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 1581 (AB 548) Moore. Adoption and foster care priorities.

Existing law authorizes the State Department of Social Services to adopt regulations setting priorities for the placement of children for adoption and in foster homes that reflect consideration of the racial background, ethnic heritage, religion, cultural heritage of a child, and geographic proximity, as specified.

This bill would repeal existing law, and instead, would provide that in determining placement of children in foster care, priority shall first be given to placing them with relatives. If placement with relatives cannot be made or this type of placement is to the detriment of the child, placement shall be made with a foster parent of the same racial or ethnic identification as the child, as specified, and if that is not possible, placement shall be made with a family of a different racial background or ethnic identification where there is evidence of sensitivity to the child's race, ethnicity, and culture In the latter situation, the bill would also require that the child's religious background be considered. The bill would encourage involved agencies to maintain placement records, as specified, which may be reviewed upon request by the State Department of Social Services

This bill would specify that these placement rules shall not be applied when their application would not be in the best interests of a child and would set forth the considerations in determining good cause not to follow those rules

This bill would establish an order of placement preferences regarding racial background or ethnic identification in determining the adoptive setting for placement of a child. It would require that the child be placed with a relative unless a relative is unavailable or the placement is detrimental to the child. In that case, the child would be required to be placed with an adoptive family with the same racial background or ethnic identification. If the child cannot be placed for adoption pursuant to these requirements within 90 days from the time he or she is relinquished for adoption or has been declared free from parental custody or control, the child would be required to be placed with an adoptive family with a different racial background or ethnic identification where there is evidence of sensitivity to the child's race, ethnicity, and culture. In the latter situation, the bill would also require that the child's religious background be considered.

The bill would provide, however, that the adoption placement requirements would not apply where a determination of good cause for nonapplicability has been made, as specified, or where a child has neither been relinquished for adoption nor declared free from the custody and control of the parents. The bill would require involved agencies to maintain placement records, as specified, which may be reviewed upon request by

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the State Department of Social Services.

The bill would establish a state-mandated local program by imposing additional duties on local officials

This bill would make additional changes to conform to the revision of the adoption laws proposed by AB 3532, to be operative only if AB 3532 and this bill are both chaptered and become effective January 1, 1991, and this bill is chaptered last These changes would become operative on the operative date of AB 3532.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund

Ch. 1582 (AB 1166) Hansen. Mediterranean and Mexican fruit flies

Existing law provides for the eradication and control of pests in the state.

This bill would declare legislative findings relating to the detection, exclusion, and eradication of the Mediterranean fruit fly and the Mexican fruit fly.

Ch 1583 (AB 3014) Lancaster. Insurance rates hearings

Existing law prohibits certain insurers from using or changing a rate unless that rate has been approved by the Insurance Commissioner Existing law provides for the application for a rate change, and provides that it is deemed approved 60 days after public notice unless the commissioner holds a hearing

The bill would require the administrative law judge to render a decision within 30 days of the closing of the record.

The bill would require the commissioner to adopt regulations governing hearings within specified time limits and provide that the sole remedy for the failure of the commissioner to adopt those regulations within prescribed time periods or to abide by the regulations once adopted is a writ of mandate to compel the commissioner to adopt the regulations or commence or resume hearings.

Since the provision that would be added by the bill has the effect of amending a provision that was added by an initiative statute that may be amended by the Legislature only by a ⅔ vote, the bill would require a ⅔ vote for enactment.

The bill would declare that it is to take effect immediately as an urgency statute

Ch 1584 (AB 3708) Campbell. State Department of Health Services: relocation of facilities.

Under existing law, the State Department of Health Services administers a broad range of public health programs, including programs controlling environmental hazards, preventing and controlling disease, and providing health services to populations that have special needs.

This bill would authorize the Director of General Services, without obtaining competitive bids, to enter into a lease-purchase agreement, or a lease with option to purchase agreement, as specified, to establish laboratory and office facilities in the City of Richmond for the use of the department.

This bill would authorize the State Public Works Board to issue revenue bonds, negotiable notes, and negotiable bond anticipation notes pursuant to the State Building Construction Act of 1955, in an amount not to exceed $43,000,000, to finance the acquisition, equipping, and remodeling of laboratory and office facilities for the department in the City of Richmond.

This bill would authorize the State Public Works Board to issue revenue bonds, negotiable notes, and negotiable bond anticipation notes pursuant to the State Building Construction Act of 1955, in an amount not to exceed $11,500,000, to finance the renovating, restoration, repair, improvement, and equipping of laboratory and office facilities for the

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department in the City of Berkeley.

This bill would continuously appropriate funds made available from any source for acquiring, planning, equipping, and remodeling the laboratories and office facilities in the City of Richmond and the City of Berkeley to the State Public Works Board and would appropriate to the Director of General Services from the General Fund, without regard to fiscal year, amounts necessary to pay rent for the facilities and equipment.

This bill would require the department to submit, on or before March 1, 1991, to the Governor and specified committees of the Legislature, a programmatic and facilities needs plan, as specified. This bill would require the Senate Committee on Budget and Fiscal Review and the Assembly Committee on Ways and Means to each hold, on or before May 15, 1991, at least one hearing on the department's programmatic and facilities needs plan. The bill would require the department to form an employee advisory committee to assist in the preparation of the plan, and would terminate the committee on July 1, 1991.

This bill would require described property owned by the State of California in Berkeley, upon renovation of certain property by the department, to be disposed of as surplus state property unless the department's programmatic and facilities needs plan indicates that the property is needed by the department to implement the plan.

This bill would declare that it is to take effect immediately.

Ch. 1585 (AB 3764) Assembly Committee on the Judiciary. Superior and municipal courts.

(1) Existing law prescribes the number, compensation, and classification of superior and municipal court personnel in various counties.

This bill would revise the number, compensation, and classification of court reporters in Butte, Madera, and Santa Clara Counties, provide for specified superior court personnel in Madera and Riverside Counties, revise the compensation of the administration of the superior and municipal court in El Dorado County, and revise the number, compensation, and classification of municipal court personnel in El Dorado, Fresno, Kings, Marin, Merced, Napa, Placer, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, Santa Clara, Solano, Stanislaus, and Yolo Counties, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program.

(2) The provision to revise the number, compensation, and classification of municipal court personnel in Kings County would not become operative if AB 1172 is enacted, as specified.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1586 (SB 623) Royce. Public assistance application procedures.

Under existing law, in computing and paying public assistance, the need and income amounts used must be based on the nearer dollar, and an amount ending in 50¢ shall be rounded to the next higher dollar.

This bill would revise that method of computing and paying public assistance to provide that the need and income amounts used shall be rounded to the next lower whole dollar when the result of determining the standard of need or the payment includes an amount which is not a whole dollar.

Under existing law, whenever a former recipient of aid requests restoration of aid before the expiration of one year from the effective date of a cancellation or discontinuance, and it is determined that he or she is eligible for that aid, the aid is granted to him or her without the necessity of a new application, but the person is required to file a new affirmation of eligibility, unless it would be unreasonable to expect the file to contain the needed verification because the circumstances for which the verification is needed did not exist during the period the applicant previously received aid.

Existing law also provides that if the person requests restoration of aid within a month

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of a discontinuance, a county shall not require the former recipient to furnish any documentation previously provided the county unless the documentation is absent from the existing file and the documentation affects eligibility or the amount of aid for the month of restoration.

This bill would repeal the above general requirement, and would, instead, provide that only verification of information necessary to determine past or present eligibility for assistance or the delivery of assistance under the Aid to Families with Dependent Children (AFDC) program shall be requested from an applicant, and would authorize counties to request additional information necessary for the administration of the program, but would provide that the individual's eligibility for AFDC assistance shall not be delayed, denied, or terminated due to his or her inability to provide the information.

The bill would impose a state-mandated local program by specifying that whenever a former recipient of AFDC assistance applies for AFDC aid before the expiration of one year, the county shall review its existing file on the former recipient in certain circumstances, and would prohibit a county from requiring the submission of any documentation contained in the existing file, with certain exceptions

The bill would also impose a state-mandated local program by establishing procedures for obtaining needed documents, including requiring the county to assist the applicant or recipient to obtain the documents, and by requiring the county to inform the applicant of the requirement that he or she cooperate with the county in obtaining the information.

The bill would also provide for the rescission of a denial of benefits for failure to provide verification of eligibility if the applicant or recipient meets the above procedural requirements within 30 days of the denial notice.

Existing law requires each applicant for public assistance under the AFDC program to furnish or cooperate in securing the applicant's social security account number, but specifies that aid, and the opportunity to apply for aid, shall not be denied, suspended, or terminated pending the issuance of the social security account number, and that immediate payment to otherwise eligible applicants shall not be denied because of an applicant's inability to comply with that requirement at the time of application for aid.

This bill would, instead, require each applicant for public assistance to furnish his or her social security account number or submit verification that he or she has applied for the social security number, and if the applicant or recipient cannot complete the application for a social security account number because the necessary documentation is not immediately available, the bill would impose a state-mandated local program by requiring the county to determine if good cause exists, in which case an otherwise eligible applicant would be eligible for aid for the maximum period permitted by federal law, during his or her attempt to obtain the necessary documents to complete the application.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 1587 (SB 1570) Nielsen. Public postsecondary education: missions

Existing law defines the mission of the California Community Colleges, the California State University, and the University of California.

This bill would state the missions of each of these segments as defined in existing law in a single provision and would also authorize the California Community Colleges to conduct institutional research to the extent that state funding is provided concerning student learning and retention, as needed, to facilitate its educational mission

Existing law permits the California State University to award a doctoral degree jointly with the University of California, or jointly with a private institution of postsecondary

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education accredited by the Western Association of Schools and Colleges, provided that the proposed doctoral program is approved by the California Postsecondary Education Commission.

The bill would revise these provisions as they relate to private institutions by permitting the California State University to award a doctoral degree jointly with one or more independent institutions of higher education, as defined, provided that the proposed doctoral program is approved by the California Postsecondary Education Commission.

This bill would include, among the missions of the California State University, the broad responsibility to the public good and welfare of the state to be exercised through projects and programs aimed at regional economic, social, and cultural development. This bill would state that the primary mission of the California State University is undergraduate and graduate instruction.

This bill would include, among the missions of the University of California, the encouragement and support of public service programs, as part of the university's broad responsibility toward the public good.

Existing law delineates the functions and responsibilities of the California Postsecondary Education Commission in its capacity as the statewide postsecondary education planning and coordinating agency and adviser to the Legislature and Governor

This bill would state the mission of the California Postsecondary Education Commission which would include serving as the key fiscal and program adviser to the Governor and the Legislature on postsecondary educational policy This bill would require the commission to have specified responsibilities and to consult with the postsecondary educational segments and with relevant state agencies in its preparation of analyses and recommendations to the Governor and the Legislature. This bill would require the commission to remain an independent and nonpartisan body responsible for providing an integrated and segmentally unbiased view for purposes of state policy formulation and evaluation.

This bill would state the mission of the Student Aid Commission, including administering state and federal financial aid programs, providing policy leadership on student financial aid issues, evaluating the effectiveness of its programs, conducting research and long-range planning as a foundation for program improvement, reporting on total state financial aid needs, and disseminating information to students and their families

This bill would retitle the provisions of existing law related to community colleges as the Walter Stiern Act.

Ch. 1588 (SB 1802) L. Greene Physicians and surgeons.

Existing law makes it unprofessional conduct and grounds for disciplinary action for a physician and surgeon to perform repeated acts of clearly excessive prescribing, furnishing, or administering of drugs or treatment, as specified.

This bill would authorize a physician and surgeon to prescribe or administer controlled substances to a person in the course of treatment of that person for a diagnosed condition causing intractable pain, as defined, and would prohibit the Medical Board of California from disciplining a physician and surgeon for that prescribing or administering

Ch. 1589 (SB 1844) Alquist. State contracts: data processing and telecommunications.

Existing law requires the Department of Finance and the Department of General Services to maintain, in the State Administrative Manual, policies and procedures governing the acquisition and disposal of electronic data processing and telecommunications goods and services.

Existing law provides that these policies and procedures include, among other things, a requirement that the evaluation of bidders' proposals for the purpose of determining contract award provide for the consideration of a bidder's best financing alternative unless the acquiring agency can demonstrate to the satisfaction of the Department of General Services that a particular financing alternative should not be considered.

This bill would instead provide that for all transactions formally advertised, the evaluation of bidders' proposals for the purpose of determining contract award for electronic

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data processing and telecommunications goods provide for the consideration of a bidder's best financing alternatives, including lease or purchase alternatives, if any bidder so requests, not less than 30 days prior to the date of final bid submission, unless the acquiring agency can prove to the satisfaction of the Department of General Services that a particular financing alternative should not be so considered.

The bill would declare that while the provisions of the bill only restate the legislative intent of existing law, the bill will not apply to contracts executed prior to January 1, 1991.

This bill would also incorporate amendments to Section 12102 of the Public Contract Code contained in AB 3316, to be operative only if both bills are enacted and this bill is chaptered after AB 3316.

Ch. 1590 (SB 1865) Craven. Campaign materials: unauthorized signatures.

Existing provisions of law do not expressly prohibit the use of unauthorized signatures in campaign advertisements.

This bill would prohibit any person from publishing or causing to be published, with intent to deceive, any campaign advertisement, as defined, containing a signature, as defined, which the person knows to be unauthorized.

This bill would impose a state-mandated local program by imposing criminal penalties, as specified, on persons who violate the prohibition imposed by this bill.

This bill would also authorize any person whose signature, as defined, was improperly used, as prohibited by this bill, and any candidate whose election or defeat is expressly advocated in a campaign advertisement which violates the prohibition imposed by this bill, to bring a civil cause of action for damages, as specified. It would limit the cause of action, as specified, in the case of a mass mailing or other printed matter

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would declare that it is to take effect immediately as an urgency statute

Ch. 1591 (SB 1894) Ayala. Controlled Substances: penalties

Existing law provides that it is a felony, punishable by imprisonment in the state prison for 3, 4, or 5 years, for any person to possess specified combinations of chemicals at the same time with the intent to manufacture specified controlled substances, or specified analogs of those substances.

This bill would change the term of imprisonment for these offenses to 2, 4, or 6 years in the state prison.

Ch. 1592 (SB 1931) Davis. Title insurance: prohibited acts.

Existing law prohibits a title insurer, controlled escrow company, and underwritten title company from paying, either directly or indirectly, any commission, or any part of its fees or charges or any other consideration as an inducement for or as compensation on any title insurance business or any escrow or other title insurance business in connection with which a title policy is issued, as specified

This bill would revise and recast that provision to make it unlawful for those entities to pay, directly or indirectly, any commission, compensation, or other consideration to any person as an inducement for the placement or referral of title insurance business, as specified The bill would specify certain activities which are deemed per se inducements for the placement or referral of title insurance business. The bill would authorize the Insurance Commissioner to enforce its provisions, and would state legislative intent.

Ch. 1593 (SB 1963) Rogers. Water districts: elections: conflict of interest.

(1) Existing law prohibits various public officers and employees from being financially interested in any contract made by them in their official capacity, or by any board of which they are members. Existing law provides that an officer shall not be deemed to be interested in a contract entered into by a body or board of which the person is a member if the officer has only a remote interest in the contract, as defined, and other

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conditions are satisfied.

This bill would further define "remote interest" to include that of an elected officer who is also an elected director of a water replenishment district.

(2) Existing law prohibits a local agency or employee from engaging in any employment, activity, or enterprise for compensation which is inconsistent, incompatible, in conflict with, or inimical to his or her duties as a local agency officer or employee or with the duties, functions, or responsibilities of his or her appointing power or the agency by which he or she is employed, except as otherwise specified.

This bill would specify that service on the Board of Directors of the Central and West Basin Water Replenishment District by a person serving as an elected city official in a city located wholly or partly within the water replenishment district shall not, by itself, be deemed to be inconsistent, incompatible, in conflict with, or inimical to, duties of the officer serving in either capacity.

(3) Under existing law, water storage districts are landowner voting districts, with each voter entitled to one vote for each $100, or fraction thereof, worth of land, exclusive of improvements and mineral rights.

This bill would require a director of a water storage district to be a holder of title to land within the district or representative of a holder of title which is not a natural person, would prescribe the circumstances in which a vacancy shall be deemed to occur, and would prescribe related matters. The bill would prescribe requirements for nomination of a candidate for director when there are less than 10 voters in any division, would revise procedures for the conduct of special elections, and would make related and other changes in election procedures, thereby imposing a state-mandated local program.

(4) Under existing law, the last equalized county assessment roll is utilized for determining the value of land claimed to be owned for purposes of elections.

This bill would authorize a water storage district to alternatively prepare an election roll, in accordance with prescribed procedures, to be used for determining ownership and value of parcels for all purposes involving elections and would prescribe related matters

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(6) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1594 (SB 2000) Presley. Substance abuse community correctional centers.

Existing law authorizes the Director of Corrections to establish and operate facilities known as community correctional centers, as specified, the primary purpose of which is to provide housing, supervision, counseling, and other correctional programs for persons committed to the Department of Corrections.

This bill would include legislative declarations and intent language to provide for the establishment of substance abuse community correctional detention centers and programs.

This bill would enact the Substance Abuse Community Correctional Treatment Act and would create the Substance Abuse Community Correctional Detention Centers Fund within the Board of Corrections. The bill would authorize the board to provide funds to establish substance abuse community correctional detention centers to manage specified offenders, including, but not limited to, parole violators, individuals sentenced to state prison for short periods of time, and sentenced local offenders with a known history of substance abuse, as specified.

This bill would additionally specify guidelines for the disbursement of funds; provide for the selection of counties by the board from eligible counties; specify standards for the selection of offender groups to participate in the programs; and set forth administrative responsibilities consistent with the purposes of these provisions.

This bill would also provide that $30,000,000 shall be provided from the 1990 Prison Construction Fund and the 1990-B Prison Construction Fund, as specified, for construction purposes according to these provisions, provided the funds are appropriated in the

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state Budget Act from the 1990 prison bond issues for the purposes of these provisions.

This bill would appropriate no more than 1½% of the total funds to be disbursed by the bill to the Board of Corrections for administrative costs.

The bill would require each recipient county to set up a specified program oversight committee.

Ch. 1595 (SB 2137) Robbins. Vehicles: uninsured motorists.

Existing law requires a person who drives or owns a motor vehicle to maintain a form of financial responsibility and carry and furnish evidence of it, as specified.

This bill would require the Department of Motor Vehicles, with the cooperation of the Department of Insurance and the Department of the California Highway Patrol, as specified, to report to the Legislature by December 31, 1991, on the number of uninsured motorists. The bill would authorize the report to include information regarding the number of motorists involved in reportable accidents who do not have insurance or another form of financial responsibility, and the number and disposition of notices to appear issued for failure to provide evidence of financial responsibility. The bill would also provide that the report may include a statement of the costs incurred by insured motorists as a result of accidents caused by uninsured motorists and an estimate of the average insurance policy premium cost to an insured motorist

Ch. 1596 (SB 2194) Morgan. Special education

(1) Existing law requires the Superintendent of Public Instruction, to the greatest extent possible, to ensure that children with exceptional needs are appropriately served in child care and development programs and are given equal access to those programs.

This bill would prohibit a contractor who provides services pursuant to a general child care contract, a campus child care contract, a migrant child care contract, or an alternative payment child care contract from denying services to an otherwise eligible child on the basis of the child's disability unless at least 5% of the contractor's enrollment of children receiving subsidized child care and development services are children with exceptional needs.

(2) Existing law defines "children with exceptional needs" to include children with prescribed disabilities and children between the ages of birth and 21 years who meet designated criteria.

This bill would instead require children between the ages of 6 and 21 years to meet the designated criteria.

(3) Existing law requires the Superintendent of Public Instruction, to the greatest extent possible, to ensure that children with exceptional needs are appropriately served in child care and development programs and are given equal access to those programs. Existing law requires the superintendent, in order to ensure that children with exceptional needs have equal access to child care and development programs, to establish alternate appropriate placements. Existing law also authorizes child care and development programs established pursuant to those provisions to have reimbursement rates above the standard reimbursement rate and authorizes the superintendent to develop regulations establishing separate eligibility criteria and fee schedules for programs established pursuant to those provisions.

This bill, instead, would require the superintendent to ensure that eligible children with exceptional needs are given equal access to all child care and development programs and would require the superintendent to establish alternate appropriate placements to provide children with exceptional needs with additional access to child care and development programs. The bill would authorize these programs to serve children with exceptional needs to 21 years of age.

(4) Existing law establishes priorities and eligibility criteria for enrollment in school-age community child care services.

This bill would require agencies to report delivery of services to children with exceptional needs to the State Department of Education.

This bill would authorize the Superintendent of Public Instruction to grant specific waivers to agencies proposing to accept eligible members of special populations in other than strict income order so long as appropriate fees are paid. The bill would authorize

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use of the waivers to enable agencies to meet the requirements of law to serve children with exceptional needs. This bill would also make technical changes.

(5) Existing law requires that staff development programs be provided for regular and special education teachers, among other persons. Existing law also states the intent of the Legislature that each school district, special education local plan area, and county office of education provide regular classroom teachers serving individuals with exceptional needs appropriate training each year relating to the needs of those individuals.

This bill would require the Superintendent of Public Instruction, to the extent possible using federal and state funds appropriated for this purpose, to provide staff development to child care center staff and family day care providers to improve child care services to individuals with exceptional needs.

The bill would appropriate $180,000 from child care carryover funds available pursuant to specified provisions of existing law to the State Department of Education for this purpose. To the extent that the funds appropriated by this bill are allocated to school districts and county offices of education for the purposes of the bill, and the use of those funds furthers the educational mission of those entities, these funds may be applied toward the minimum funding requirements imposed by Section 8 of Article XVI of the California Constitution.

The bill would express the legislative intent that funding in future fiscal years for this purpose be provided through the annual Budget Act.

This bill would incorporate additional changes in Section 8208 of the Education Code, proposed by AB 819, to be operative only if this bill and AB 819 are both enacted and become effective on or before January 1, 1991, and this bill is enacted last. These changes would become operative on the effective date of SB 2194.

Ch 1597 (SB 2375) Presley. Professional reporting: judgments: discipline.

(1) Existing law requires various reports to the Medical Board of California or the Board of Podiatric Medicine relating to possible incompetence of a licensee

This bill would require coroners who receive information based upon findings of a pathologist indicating that a death may be the result of a physician's or podiatrist's gross negligence or incompetence to make a report to the relevant board. The coroner and others would be exempt from liability. By imposing a new duty on local agencies, the bill would impose a state-mandated local program.

The bill would also require the district attorney or other prosecuting agency to inform the Medical Board of California or the Board of Podiatric Medicine of filings charging a felony against a licensee, and would require the clerk of the court to transmit records of convictions to those boards, would require the clerk to transmit certain felony preliminary hearing transcripts to those boards, and would require probation officers to make certain reports, thereby imposing a state-mandated local program.

(2) Existing law requires the chief of staff of a medical or professional staff or other chief executive officer, medical director, or administrator of any peer review body to file a "805" report with the relevant agency whenever any of certain specified actions are taken as a result of a determination of a peer review body. A failure to make that report is a misdemeanor punishable by a fine of not less than $200 nor more than $1,200.

This bill would, instead, provide that an intentional failure to make that report is a public offense punishable by a fine not exceeding $10,000. A failure by the administrator of a peer review body or the chief executive officer or administrator of a health care facility who is designated to transmit a report whether or not intentional would be punishable by a civil penalty not exceeding $5,000.

(3) Existing law defines "person" for purposes of the Medical Practice Act, as a natural person when a right, privilege, or power is conferred upon a person by that act.

This bill would redefine that term to mean any individual, partnership, corporation, or other organization, or any combination thereof, and specifies, however, that only natural persons can be licensed pursuant to that act.

(4) Existing law requires an application for licensure as a physician to contain specified information.

This bill would also require the application to include fingerprint cards, as specified.

(5) Under existing law, the disciplinary activities of the Medical Board of California

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are carried out by the Division of Medical Quality. Under existing law, those activities include investigating complaints and possible violations of law.

This bill would provide for the appointment of a Senior Assistant Attorney General of the Health Quality Enforcement Section by the Attorney General, and would establish the Health Quality Enforcement Section in the Department of Justice, to be headed by the Senior Assistant Attorney General of the Health Quality Enforcement Section. The Senior Assistant Attorney General of the Health Quality Enforcement Section would prosecute violations against licensees of the Medical Board of California and the California Board of Podiatric Medicine The bill would make related changes

(6) Existing law authorizes the Division of Medical Quality to investigate the circumstances of practice where malpractice judgments in excess of $30,000 have been rendered against a physician, and to investigate the nature and cause of injuries from cases which shall be reported of an unusually high number of judgments, settlements, or arbitration awards against a physician and surgeon

This bill would authorize the division to investigate the nature and causes of injuries reported from cases of only a "high" number of such judgments, settlements, or arbitration awards.

This bill would provide that certain proceedings held before the Division of Medical Quality, medical quality review committees, or panels, or an administrative judge, regarding the status of a licensee, whether a public proceeding, or agreed to or imposed in private proceedings, except for warning letters, medical review or advisory conferences, or other matters made confidential or privileged by existing law, are deemed public, and shall be made available to the public by the board

(7) Existing law authorizes the division or a medical quality review committee or panel thereof, to discipline a licensee, as specified.

This bill would authorize a requirement of notification to applicable patients of the licensee's inability to perform indicated treatment.

(8) Existing law requires the division or a medical quality review committee or panel thereof, whenever possible, to take such action as is calculated to aid in the rehabilitation of the licensee.

This bill would provide that the division or a medical quality review committee, the California Board of Podiatric Medicine, and administrative law judges shall have the protection of the public as their highest priority. It would also provide that, whenever possible, action should be taken to aid rehabilitation.

(9) Existing law authorizes the Medical Board of California to require a physician to undergo a professional competency exam if after review by medical consultants, there is reasonable cause to believe the physician is unable to practice medicine with reasonable skill and safety. Under existing law, among other things, reasonable cause is demonstrated by a single incident of gross negligence, or an act of incompetence or negligence causing death or serious bodily injury, as specified.

This bill would instead provide for review by an expert appointed by the division.

(10) Existing law provides for a professional competency examination by 2 examiners, and providing that if an examinee fails an original professional competency examination, a 2nd examination shall be scheduled before 2 different examiners within 90 days.

This bill would revise that provision to provide for an examination by 3 examiners, and to provide that a failing grade from 2 of the examiners shall constitute a failure of the examination. It would provide for appeal and reexamination, as specified. It would provide that passing the examination is prima facie evidence of present competence in the area of the examination. It would require competence examinations to be conducted under a uniform examination system.

(11) Existing law authorizes a person whose certificate has been revoked or suspended or who has been placed on probation to petition the division for reinstatement or modification of the penalty, including modification or termination of probation, after a period of not less than one year from the effective date of the decision.

This bill would, instead, provide that the person may petition after a period of not less than certain minimum periods, except as specified.

(12) Existing law requires the Division of Medical Quality to report annually, no later

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than April 1 of each year, to the Legislature specified information.

This bill would require the report to be made no later than October 1 of each year and would additionally require the annual reporting of information relative to the performance of the divisions, as specified.

(13) Existing law specifies the grounds for taking disciplinary action against a physician and surgeon by the board and provides for a program of treating physicians and surgeons whose ability to practice may be impaired because of drug or alcohol abuse.

This bill would provide that any person, as specified, who provides information to the board that a physician and surgeon may be guilty of an act that may be grounds for disciplinary action or may be impaired because of drug or alcohol abuse shall not be liable for any damages in any civil action brought by the reported licensee, as specified.

The bill would require the Medical Board of California to set a goal of completion of investigations within 6 months from the receipt of a complaint

(14) Existing law provides for the creation of one or more diversion evaluation committees to be established by the division consisting of, among others, one member nominated by medical quality review committees who is not a member of such a committee

This bill would also specify that this member not be a licensed physician and surgeon.

(15) Existing law provides that 3 members of a diversion evaluation committee shall constitute a quorum for the transaction of business at any meeting

This bill would, instead, provide that 3 members of a committee, at least one of whom shall be a public member with specified experience, shall constitute a quorum for the transaction of business at any meeting.

(16) Existing law provides that each physician and surgeon who requests participation in a diversion program shall agree to cooperate with the treatment program designed by a committee. Any failure to comply with the treatment program may result in termination of the physician and surgeon's participation in a program.

This bill would instead provide that any failure to successfully complete the treatment program or an acceptable substitute program may result in license revocation unless the likelihood of successful rehabilitation clearly outweighs the threat of harm to patients which may occur as a result of the impairment.

The bill would also provide for the designation of administrative law judges by the Director of the Office of Administrative Hearings, for purposes relating to discipline of licensees, and revise provisions relating to adjudicative hearings and proceedings, and orders of discipline, as specified. Among other things, it would provide for interim orders imposing drug testing, continuing education, supervision of procedures, or other restrictions.

The bill would also state legislative intent.

The bill would also make conforming changes with respect to the finality of decisions of a medical quality review committee or panel thereof, or administrative law judge, as specified, and revise provisions regarding immunities from civil liability with regard to specified evaluations of healing or veterinary arts practitioners, as specified.

(17) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

The bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for those other costs. It would, however, notwithstanding the foregoing, require the Medical Board of California to reimburse the State Mandates Claims Fund for any costs which may be incurred due to mandates contained in the bill. In so doing the bill would authorize the expenditure of continuously appropriated funds for a new purpose, thus constituting an appropriation.

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Ch. 1598 (SB 2439) Rosenthal. Conservatorship: developmentally disabled persons.

(1) Existing law requires that notice of the time and place of the hearing be given to specified persons at least 15 days before the hearing on the petition for the appointment of a conservator. Existing law provides that the petitioner shall mail or personally serve a notice of the hearing and a copy of the petition to the director of the regional center for the developmentally disabled at least 30 days before the day of the hearing in any case in which specified conditions exist.

This bill would require that notice be given to the regional center that is required to prepare a specified assessment if the proposed conservatee is a person with developmental disabilities without regard to the existence of any specified conditions.

(2) Existing law requires the regional center to assess a proposed limited conservatee, with the consent of that proposed limited conservatee, within 30 days after the filing of a petition for a limited conservatorship. The regional center is required to submit a written report of its findings and recommendations to the court, but these findings and recommendations are not binding upon the court.

This bill would authorize the regional center to prepare an assessment of a proposed general conservatee, with the consent of that conservatee and if such an assessment is made, this bill would require the regional center to submit its findings and recommendations to the court, as specified.

(3) This bill would incorporate additional changes in Section 1827.5 of the Probate Code, proposed by SB 2427, to be operative only if this bill and SB 2427, are both chaptered and become effective on or before January 1, 1991, and this bill is chaptered last.

Ch. 1599 (SB 2592) Kopp. Transportation: transit capital improvements and funding.

Existing law requires the Department of Transportation, in cooperation with local transportation officials, to develop and submit to the California Transportation Commission, and requires the commission to implement, guidelines for the commuter and urban rail transit program. Under that program, allocations for commuter and urban rail transit projects are limited to 50% of the nonfederal share of project cost.

This bill would limit those allocations to 50% of the project cost, excluding the amount of any federal funds and Clean Air and Transportation Act of 1990 funds available for the project.

Ch. 1600 (SB 2601) Keene. Timberland.

(1) Under existing law, the Director of Forestry and Fire Protection, with the approval of the Director of General Services, may enter into a contract for prescribed burning with the owner or any other person who has legal control of any property which is included within any wildland for any of specified purposes.

This bill would authorize the director to also so enter into a contract with any public agency with regulatory or natural resource management authority over any property.

(2) Under existing law, the state's share of the costs of site preparation and prescribed burning may not exceed 90% of the total costs.

This bill would permit those costs to exceed 90% if the director determines no direct private economic benefits will accrue or will be utilized by a person that owns or controls any property under contract.

(3) Existing law, the Z'berg-Nejedly Forest Practice Act of 1973, requires the Department of Forestry and Fire Protection to provide, on January 1, 1991, or on the effective date of specified rules and regulations, an initial inspection of the area in which timber operations are to be conducted within 10 days from the date of filing of the timber harvesting plan or nonindustrial timber management plan, or a longer period as may be mutually agreed upon by the department and the person submitting the plan. Existing law requires the department, on January 1, 1991, or on the effective date of specified rules and regulations, to provide for inspections at specified times.

This bill would provide that the inspection need not be made pursuant to the filing of a timber harvesting plan if the department determines that the inspection would not

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add substantive information that is necessary to enforce the act, and would make related changes

(4) Existing law makes legislative findings and declarations concerning the California Timberland Productivity Act of 1982 and the Timber Yield Tax Law.

This bill would revise these legislative findings and declarations.

Ch. 1601 (SB 2647) Rosenthal. Distribution systems: safety inspections.

(1) Existing law requires every operator of a gas distribution system in a mobilehome park to prepare and submit to the Department of Housing and Community Development, or the local enforcement agency, as appropriate, an annual report on that distribution system. Under existing law, the department is required to immediately transmit a copy of the report to the Public Utilities Commission which then notifies the United States Department of Transportation of any suspected violations of the federal Pipeline Safety Regulations.

This bill would repeal the existing law and would enact new provisions governing distribution systems, as defined. The bill would require the commission to undertake a gas safety inspection and enforcement program for mobilehome parks with distribution systems. The bill would specify the frequency of inspections under the program. The bill would require the operator to file an annual report on the distribution system, as specified, and a written response to an inspection report, and include a plan for correcting safety violations. Copies of the report indicating safety violations would be required to be furnished to the department and the United States Department of Transportation.

The bill would require the commission to notify the United States Department of Transportation, the department, the utility serving the system, and the operator if the commission determines the presence of a gas leak or other safety hazard in the distribution system, and would permit the commission to require service to the operator to be terminated. The bill would provide civil penalties for an operator who fails to file the annual report or to comply with commission or local enforcement agency directives

The bill would also permit the commission to adopt rules and orders to carry out its provisions. Since, under existing law, a violation of the orders of the commission is a crime, the bill would impose a state-mandated local program by creating a new crime.

The bill would also permit the commission to establish a surcharge on natural gas purchased by mobilehome park operators with distribution systems, and would permit the mobilehome park operator to recover the surcharge from its tenants, as specified.

The bill would require the surcharge to be designed to recover the commission's costs of the mobilehome park safety and inspection program. The bill would also appropriate $350,000 to the commission from the Public Utilities Commission Utilities Reimbursement Account for the purposes of implementing its provisions

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1602 (SB 2262) Torres. Hazardous substances: schoolsites.

(1) Existing law generally requires all state agencies and local agencies to prepare, or to be prepared by contract, and certify the completion of, an environmental impact report on any project they intend to carry out or approve which may have a significant effect on the environment. In other cases, a negative declaration is required. Existing law prohibits the approval of an environmental impact report or negative declaration for a school construction project unless facilities within a specified distance of the proposed schoolsite are identified which might reasonably be anticipated to emit hazardous or acutely hazardous air emissions and the governing board of the school district makes specified written findings.

This bill would additionally require that the environmental impact report or negative declaration include information to determine if property proposed to be purchased, or to be constructed upon, is the site of a hazardous waste disposal site or solid waste disposal site, a hazardous substance release site, or a site which contains pipelines which

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carry hazardous substances, acutely hazardous materials, or hazardous waste, except as specified. The bill would prohibit the governing board of a school district from approving the acquisition of a schoolsite or the construction of a new school building, unless the lead agency, as defined, determines that the property is not one of these sites, and consults with specified local agencies concerning hazardous air emissions, and unless the governing board of the school district makes specified written findings. The bill would define terms By imposing additional requirements on local agencies, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund

Ch. 1603 (SB 2639) Presley Perinatal services.

(1) Existing law establishes various substance abuse programs, many of which are administered by the counties and the State Department of Alcohol and Drug Programs.

Existing law establishes various programs which provide services to pregnant women and infants, many of which are administered by each county and the State Department of Health Services.

This bill would require, by July 1, 1991, the Health and Welfare Agency to develop and disseminate a model needs assessment protocol for pregnant and postpartum substance abusing women, as prescribed.

This bill also would require every county to establish protocols between county health departments, county welfare departments, and all public and private hospitals in the county regarding the application and use of an assessment of the needs of, and referral for, a substance exposed infant to a county welfare department pursuant to a specified provision of law, thereby creating a state-mandated local program. The bill would require the assessment of the needs to be performed by a health practitioner, as defined, or a medical social worker, as prescribed.

This bill would state that it is the intent of the Legislature that funding for the above be provided in the annual Budget Act.

(2) Existing law requires certain categories of persons, including child care custodians, health practitioners, and employees of a child protective agency to report known or suspected instances of child abuse.

This bill would provide that a positive toxicology screen at the time of the delivery of an infant is not in and of itself a sufficient basis for reporting child abuse or neglect, but would require any indication of maternal substance abuse to lead to an assessment of the needs of the mother and child pursuant to a specified provision of law, and, if other factors are present that indicate risk to a child, a report would be required to be made, as specified

This bill would delay the operation of the above reporting requirement until July 1, 1991.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, reimbursement shall be made from the State Mandates Claims Fund.

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Ch. 1604 (SB 2693) Bergeson. Oil and gas: idle wells.

Under existing law, every person who engages in the drilling, redrilling, deepening, or any operation permanently altering the casing, of any well is required to file an individual indemnity bond of a specified amount with specified conditions.

This bill would require any person who operates a well that does not produce oil or natural gas, or has not been utilized for injection purposes, for a continuous 6-month period during any consecutive 5-year period to file a bond of a specified amount or an annual fee of $100 for each well. The bill would create the Hazardous and Idle-Deserted Well Abatement Fund in which these fees would be deposited and continuously appropriate the funds to the Department of Conservation to mitigate a hazardous or potentially hazardous condition by well plugging and abandonment. The bill would authorize any city or county to request the State Oil and Gas Supervisor to determine whether idle wells, as specified, should be plugged and abandoned.

The bill would provide that failure to file the required fee or bond for a noncommercial well, or a prescribed statement, is conclusive evidence of desertion of the well.

Ch. 1605 (SB 2710) Boatwright. Public Employees' Retirement System: patrol members.

The Public Employees' Retirement Law prescribes the rate of member contributions for patrol members of PERS.

This bill would provide that, notwithstanding those provisions, the rate of member contributions for patrol members for service rendered on or after July 1, 1991, shall be 8% of the compensation in excess of $863 per month paid those members, with up to 4% thereof being paid from certain surplus employer funds, as specified.

This bill would also appropriate $15,000 from the Public Employees' Retirement Fund to PERS to pay for the costs of administering this bill.

Ch 1606 (SB 2716) Marks. Shared appreciation mortgages: public lenders.

Existing law sets forth an exemption from constitutional usury limitations for defined shared appreciation loans, specifies that the lender and borrower under a shared appreciation loan are in a creditor-debtor relation, exempts shared appreciation loans from certain provisions applicable to other types of loan transactions, specifies that a deed of trust securing a shared appreciation loan also secures defined contingent deferred interest, specifies the priority of the deed of trust securing the loan, and requires the deed of trust to indicate that it secures a shared appreciation loan. These provisions on shared appreciation loans do not apply to loans secured by an interest in real property improved with 1 to 4 residential units, at least one of which is or is to be owner occupied.

This bill would make the above provisions of existing law on shared appreciation loans applicable to the above-described excluded residential property if the loan is made by a city and county, or a redevelopment agency or housing authority of a city and county and specified other conditions are met.

Ch 1607 (SB 129) Beverly. Los Angeles County Transportation Commission: transit revenues and bonds.

The Los Angeles County Transportation Commission Revenue Bond Act requires the Los Angeles County Transportation Commission to give priority to construction of the overall transit system authorized in Los Angeles County Transportation Commission Ordinance No 16, and permits obtaining not more than 30% of the cost of the initial segment of the Los Angeles Metro Rail project from rail transit revenues obtained from revenue sources authorized in that ordinance. The bond act prohibited the commission from issuing more than $100,000,000 in bonds to fund the Los Angeles Metro Rail project prior to December 31, 1986, and required the bonds to be repaid from commission rail transit revenues. The bond act required the commission and the Southern California Rapid Transit District to report to the Legislature, by December 31, 1986, on the status and funding of the Los Angeles Metro Rail project, as specified, if any of the bond proceeds were used for the system authorized by that ordinance.

The bond act also prohibits the commission from issuing bonds after January 1, 1988, to finance portions of the Metro Rail project, unless authorized to do so by the Legisla-

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This bill would delete those provisions of the bond act which prohibited the commission from issuing more than $100,000,000 in bonds prior to December 31, 1986, and which prohibit the commission from issuing bonds after January 1, 1988, to finance portions of the Metro Rail project unless authorized to do so by the Legislature. The bill would, instead, generally prohibit the commission from issuing bonds in excess of $300,000,000 to fund the Metro Rail project.

The bill would become operative on January 1, 1990, if legislation is enacted during the 1989 portion of the 1989–90 Regular Session which assigns to a single public agency responsibility for all rail transit construction within Los Angeles County. It would become operative on February 1, 1990, if that legislation is not enacted during the 1989 portion of the 1989–90 Regular Session.

Ch. 1608 (SB 1822) Bergeson. Local agencies: fiscal reports.

Under existing law, each redevelopment agency is required, until January 1, 1991, to present an annual report, including information regarding its outstanding indebtedness and tax increment revenues, to its legislative body and with the Controller within 6 months of the end of the agency's fiscal year.

Existing law also requires the Department of Housing and Community Development, until January 1, 1991, to compile and publish reports of the activities of redevelopment agencies for the previous fiscal year, based on the information reported by the redevelopment agencies

This bill would delete those dates of repeal. Since redevelopment agencies would be required to continue to compile and report that information, the bill would impose a state-mandated local program.

Existing law requires redevelopment agencies to adopt an annual budget which contains, until January 1, 1991, information identifying the work program for the coming year, including goals, and an examination of the previous year's achievements and a comparison of the achievements with the goals of the previous year's work program

Existing law requires cities, counties, and special districts to file certain financial reports with the Controller within enumerated time deadlines, and subjects officers of these entities to specified monetary forfeitures for failure to comply.

This bill would revise the amounts of the forfeitures for this purpose.

This bill would impose a state-mandated local program upon redevelopment agencies by deleting that date of repeal.

Existing provisions of the Bradley-Burns Uniform Local Sales and Use Tax Law authorize counties, cities, and redevelopment agencies, as defined, to impose local sales and use taxes in their respective jurisdictions in connection with the sale, storage, use, or other consumption of tangible personal property. Existing law defines a "redevelopment agency" for these purposes to mean a redevelopment agency created within a city pursuant to the Community Redevelopment Law

This bill would, for purposes of the Bradley-Burns Uniform Local Sales and Use Tax Law, define a "redevelopment agency" to mean any redevelopment agency created pursuant to the Community Redevelopment Law. The bill would make other conforming technical changes to the Bradley-Burns Uniform Local Sales and Use Tax Law.

This bill would provide that if SB 2268 and this bill are both enacted and become effective on or before January 1, 1991, and each bill amends Section 33080.4 of the Government Code, and this bill is enacted after SB 2268, then the provisions of this bill amending Section 33080.4 will not become operative.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund

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Ch. 1609 (SB 1974) Maddy. Horseracing: distribution of a portion of purses to horsemen's organizations: distribution of interest on paymaster's accounts.

(1) Under existing law, until January 1, 1993, a portion of the purses at horseracing meetings are required to be distributed to organizations representing horsemen for administrative expenses, for services provided to the horsemen, and for pension plans and welfare funds.

This bill would delete the provision which would repeal that requirement on January 1, 1993, and would make conforming changes.

(2) Existing law requires that the amount to be distributed as purses or commissions for any fair racing meeting or mixed breed racing meeting be based on the respective parimutuel pools during the previous corresponding meeting.

This bill would delete that provision.

(3) Existing law does not authorize a horsemen's organization and racing association to agree to divide and share the interest earned on the association's paymaster accounts.

This bill would authorize the horsemen's organization which represents the horsemen participating in a racing meeting and a racing association to enter into an agreement which provides for the division and sharing of the interest earned on the association's paymaster accounts by the organization and the association, if certain conditions are satisfied.

Ch 1610 (SB 2158) Seymour. Drug and alcohol abuse.

(1) Existing law sets forth a 5-year master plan to eliminate drug and alcohol abuse in California, which includes a list of long-range goals.

This bill would add as a goal that the Department of Commerce, in coordination with private industry, encourage the creation of employee alcohol and drug abuse prevention programs in the workplace or provide information to employees on treatment or recovery programs available to them. The bill would also add as a goal that the California National Guard support federal, state, and local drug enforcement agencies in counternarcotic operations, as specified.

(2) Existing law requires priority in allocating state funds for substance abuse to law enforcement agencies to be given to counties that have established a drug and alcohol abuse enforcement team, as specified.

This bill would repeal those provisions and would instead give that priority to counties whose law enforcement agencies are participating both in a drug and alcohol abuse enforcement team and in the development and implementation of a county master plan, as specified.

(3) This bill would incorporate additional changes in Section 11998.1 of the Health and Safety Code, proposed by AB 3567, to be operative only if AB 3567 and this bill are both chaptered and become effective January 1, 1991, and this bill is chaptered last.

Ch. 1611 (SB 2600) Vuich. Income taxes: bank and corporation taxes. credits. clean fuels.

The existing Personal Income Tax Law and Bank and Corporation Tax Law provide a tax credit for taxable or income years beginning before January 1, 1991, in an amount equal to 55% of the specified costs of a device designed and installed to convert a car or truck registered in this state to the use of an alcohol fuel consisting of at least 85% methanol or alcohol It provides that the credit shall not exceed $1,000 per vehicle.

This bill would allow, for taxable or income years beginning on or after January 1, 1991, and before January 1, 1995, a tax credit in an amount equal to 55% of the specified costs of a device designed and installed on a new or used motor vehicle to convert the motor vehicle to a low-emission motor vehicle, as defined. It would limit the amount of the credit to an amount not to exceed $1,000 per automobile or $3,500 for any other motor vehicle It would provide that the aggregate amount of tax credits granted pursuant to both laws shall not exceed $750,000 per year. It would provide for qualification for the credit upon application to, and certification by, the State Energy Resources Conservation and Development Commission, as specified.

This bill would make specified legislative findings and declarations regarding the use of low-emission vehicles.

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This bill would appropriate $50,000 from the General Fund to the State Energy Resources Conservation and Development Commission for administrative costs incurred pursuant to the bill.

This bill would take effect immediately as a tax levy.

Ch. 1612 (SB 2772) Torres. Pest control: air carriers and foreign air carriers: marine carriers.

(1) Under existing law, the Director of Food and Agriculture is required to maintain plant quarantine inspection stations for the purpose of inspecting all conveyances which might carry plants or other things which are, or are liable to be, infested or infected with any pest to prevent the introduction into, or the spread within this state, of pests

This bill would enact the California Airport and Marine Plant Quarantine, Inspection, and Plant Protection Act, which would require the director to establish a program for the inspection of conveyances entering California through airport and maritime facilities to prevent the introduction into, or the spread within, this state of pests, and to maintain plant quarantine inspection stations at points of entry at airports and marine terminals. The bill would permit the director to authorize inspection and certification of conveyances outside of California, as prescribed.

(2) Existing law does not require air carriers, foreign air carriers, or commercial marine carriers arriving from other countries to pay inspection fees to the director for purposes of funding pest control and eradication programs.

The bill would require air carriers and foreign air carriers engaged in foreign air commerce, as defined, to pay to the director a specified service charge for the use of airport facilities for plant and animal pest inspection upon the initial landing in this state of each flight of the carrier which originates outside the United States. The bill would also require commercial marine carriers to pay a specified fee upon the initial arrival in this state of the carrier on a voyage which originated outside the United States. The bill would require each carrier to maintain records subject to inspection by the director.

The bill would require the charges and fees to be deposited in the Department of Food and Agriculture Fund, to be used by the director for the purposes of the bill.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

Other provisions of existing law would make a violation of this bill a misdemeanor

This bill would provide that no reimbursement is required by this act for a specified reason.

(4) This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1613 (AB 109) Hayden. Medical waste.

(1) Under existing law, medical wastes are regulated as infectious waste under the hazardous waste control law. Existing law requires the State Department of Health Services to adopt regulations directing infectious waste to be managed as hazardous waste.

This bill would enact the Medical Waste Management Act. The bill would authorize a local agency to implement, or to contract with another local agency to implement, a medical waste management program with specified components. The bill would require a local agency electing to implement a medical waste management program to be the enforcement agency for that jurisdiction, as designated by the department. The bill would require the department to withdraw that designation under specified circumstances. The bill would require the department to be the enforcement agency for offsite treatment facilities and for any local jurisdiction where the local agency does not elect to implement a medical waste management program. The bill would require the department, and any local enforcement agency electing to implement the medical waste management program, to initiate the program by April 1, 1991

The bill would authorize a local enforcement agency to prescribe registration and permit fees to pay its reasonable expenses to administer the medical waste management program. The bill would authorize the department, as the enforcement agency, to charge specified fees.

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The bill would require certain small quantity medical waste generators to register with the enforcement agency by April 1, 1991; would require those generators to file a medical waste management plan with specified information; and would subject specified generators to prescribed inspection schedules by the enforcement agency.

The bill would impose civil penalties upon persons who intentionally make false statements in any document which is used for purposes of compliance with the act which materially affect the health and safety of the public or who otherwise violate the act or the regulations. The bill would impose criminal penalties upon persons who haul, transport, store, treat, or dispose of medical waste in violation of the act, thereby imposing a state-mandated local program by creating new crimes.

The bill would define terms.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(3) The bill would become operative only if AB 1641 is enacted and becomes operative, as prescribed

Ch 1614 (AB 1641) Mojonnier. Health: medical waste.

(1) Existing law defines infectious waste as meaning specified materials, including equipment, instruments, utensils, or any other material likely to transmit etiologic agents, or any other material which the facility infection control staff determines is likely to transmit etiologic agents or presents a significant danger of infection because it is contaminated with, or may reasonably be expected to be contaminated with, etiologic agents. Existing law requires the State Department of Health Services to adopt regulations directing infectious waste to be managed as hazardous waste. Existing law exempts hazardous waste from the definition of solid waste.

This bill would require large quantity medical waste generators to register with the enforcement agency by April 1, 1991, and would impose recordkeeping, treatment, and storage requirements on medical waste generators; would require generators to file a medical waste management plan with specified information; and would subject those generators to prescribed inspection schedules by the enforcement agency. The bill would require all medical waste to be hauled by either a registered hazardous waste hauler or by a person with an approved limited-quantity exemption, as specified. The bill would require, with a specified exception, each person operating a medical waste treatment facility to obtain, on or before April 1, 1991, a permit from the enforcement agency and would impose recordkeeping and treatment requirements on the facilities. The bill would require a person to containerize or store medical waste in a specified manner The bill would require a person generating or treating medical waste to ensure that the waste is treated by a specified method to render it solid waste, prior to disposal.

The bill would authorize the enforcement agency to take specified enforcement actions. The bill would authorize an enforcement agency to issue an order specifying a compliance schedule or imposing an administrative penalty of up to $1,000 to persons responsible for a violation, or threatened violation, of the act, as specified, and would provide that a violation of the order is a misdemeanor, thereby imposing a state-mandated local program by creating a new crime

The bill would repeal the definition of infectious waste and would delete infectious waste from regulation under the hazardous waste control law. The bill would exempt, under specified conditions, medical waste which is regulated pursuant to the Medical Waste Management Act, which would be enacted by AB 109, from the definition of solid waste. The bill would exempt waste which is hazardous only because it is medical waste as defined in that act from the hazardous waste control law.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason

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(3) The bill would become operative only if AB 109 is enacted and becomes operative, as prescribed.

Ch. 1615 (AB 1789) Cortese. Designer professionals' lien.

Under existing law, architects, engineers, and land surveyors who furnish services relative to the design, engineering, or planning of a work of improvement on private land are entitled to mechanics' liens, if properly perfected, for the reasonable value of the services or the contract price whichever is less. A mechanic's lien attaches to the work of improvement, the land on which it sits, and certain other lands.

This bill would give architects, engineers, and surveyors a specified design professional's lien on real property for which a work of improvement is planned, and for which a specified governmental approval is obtained. The amount of the lien would be limited to the lesser of (1) the contract fee earned, pursuant to a written contract with the landowner, for design, engineering, or planning services for a prospective improvement to the real property prior to the commencement of the work of improvement or (2) the reasonable value of those services. The lien would not attach unless the homeowner contracting for the services also owns the real property to be improved at the time the lien is recorded. The lien would attach upon recording a notice of lien at least 10 days after making a specified written demand for payment to the landowner and within one year after the design professional knows or has reason to know that the landowner is not commencing the work of improvement. The design professionals' lien would expire (1) upon commencement of the planned improvements or (2) 90 days after recordation of the notice of lien. The bill would not affect the ability of a design professional to perfect or enforce a mechanics' lien.

The design professionals' lien would not affect the interest of a purchaser, lessee, or encumbrancer acquiring and recording an interest in the defaulting landowner's real property before recordation of the lien. The design professionals' lien would be subordinate to encumbrances of specified construction lenders and would not apply to a work of improvement relating to a single-family owner occupied residence where the construction costs are less than $100,000 in value.

The bill would specify that it is intended to provide the exclusive lien remedy for design professionals where no actual work of construction is commenced.

Ch. 1616 (AB 2249) Friedman. Crime: dangerous business practices.

Under existing law, a corporation may be civilly liable for damages caused by dangerous products or business practices. Under existing law, various regulatory statutes require disclosures regarding safety hazards.

This bill would provide that a corporation or person who is a manager with respect to a product, facility, equipment, process, place of employment, or business practice, is guilty of a misdemeanor or felony, if the corporation or manager has actual knowledge of a serious concealed danger that is subject to the regulatory authority of an appropriate agency and is associated with that product or a component of that product or business practice and knowingly fails to inform the Division of Occupational Safety and Health and warn its affected employees, as specified

Because the bill would create new crimes, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1617 (AB 2296) Cortese. Solid waste.

(1) Existing law requires each county to prepare and submit to the California Integrated Waste Management Board, a countywide integrated management plan which includes county and city source reduction and recycling elements and a countywide siting element. Existing law requires a county solid waste management plan to be revised to include a specified recycling plan. Existing law prohibits, until a countywide

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integrated waste management plan of a county has been approved by the board, any transfer or processing station or disposal sites approved by a city or county after a specified date from being established in a city or county without a specified finding by the board.

This bill would repeal the requirement for revision of the county solid waste management plan and that prohibition on establishing facilities and would, instead, prohibit any person from establishing a new, or expanding an existing, solid waste facility or transformation facility, until a countywide integrated waste management plan has been approved by the board, without meeting specified requirements. The bill would provide for the review and approval of a solid waste facility or transformation facility which has not been identified or described in an existing approved county solid waste management plan. The bill would prohibit a county and city from disapproving a proposed site identification and description for a new or expanding solid waste facility or transformation facility without a specified determination.

(2) Existing law requires the board to concur or object to specified permit actions within 60 days of receipt of a proposed solid waste facilities permit, and requires the board to submit its objections to the provisions of the permit to the enforcement agency.

This bill would add conditions under which the board is required to object to a permit and would require those objections to be submitted to the enforcement agency, the applicant, and the applicable city or county.

(3) Existing law authorizes the board to specify classifications of solid waste facilities that are exempt from specified requirements.

The bill would revise the list of requirements from which solid waste facilities are exempt for purposes of that authority.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(5) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1618 (AB 2564) O'Connell. Bank and corporation taxes: qualified research contribution.

The Bank and Corporation Tax Law allows a corporation a deduction for charitable contributions of new tangible personal property which is of a scientific nature, as specified, if contributed to an institution of higher education and used by the college or university for instructional purposes. The deduction is permitted for contributions made on or after July 1, 1983, and on or before December 31, 1990.

This bill would extend those provisions to contributions made on or before December 31, 1993.

This bill would take effect immediately as a tax levy.

Ch. 1619 (AB 2804) Hauser. Local Agency Self-Insurance Authority.

Under existing law, the Local Agency Self-Insurance Authority is required to repay to the General Fund $345,000 advanced to cover its original operating costs (plus interest), not later than June 30, 1989.

This bill would extend the time for repayment until December 31, 1992.

The bill would require the Local Agency Self-Insurance Authority no later than July 1, 1991, to submit to the appropriate policy committees of the Legislature a report on how the program will become self-supporting on a long-term basis, which shall also include a repayment schedule with repayment to the state beginning no later than December 31, 1992.

The bill would require the authority to file a copy of its annual financial statement with the Controller annually until the loan and interest have been repaid.

Ch. 1620 (AB 2848) Hauser. Hunting licenses and tags.

(1) Under existing law, the Department of Fish and Game is authorized to issue antelope, elk, and Nelson bighorn sheep hunting licenses upon payment of a specified

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fee, which, for elk and bighorn sheep, includes a nonrefundable application fee for specified purposes. The fees are required to be used for specified enforcement and administrative purposes.

This bill would, instead, authorize the issuance of license tags for taking of those animals.

(2) Existing law authorizes the Fish and Game Commission to establish a fee whenever the Fish and Game Code does not specify whether a fee is to be collected or does not specify the amount of a fee to be collected for the issuance of any license, license tag, certificate, permit, reservation, or other entitlement, and permits the commission to adjust that fee as specified.

This bill would permit the commission to establish a nonrefundable application fee in an amount sufficient to pay the costs of issuing the above documents.

(3) Existing law requires the department to annually report specified information to the Legislature relating to the management of Nelson bighorn sheep.

This bill would require the department to compile the study results and report to the Legislature those results and an assessment of the environmental impact of the hunting on the herds to the Legislature on or before July 1, 1991.

(4) Existing law, until January 1, 1993, requires the department to develop plans for the management of bighorn sheep and authorizes the commission to regulate the subspecies of Nelson bighorn sheep, authorizes sport hunting of Nelson bighorn rams by specially trained hunters, as prescribed, and requires the issuance of a permit to take one Nelson bighorn ram by auction or any other method, annually.

This bill would repeal the termination date of these provisions, operative January 1, 1992. Existing law makes a violation of those provisions a misdemeanor; by extending those provisions indefinitely, this bill would impose a state-mandated local program.

(5) Existing law continuously appropriates the money in the Fish and Game Preservation Fund to the department and commission to carry out the Fish and Game Code.

This bill would increase the revenues to the fund and authorize different uses of, and extend the time for the use of, those moneys, thereby making an appropriation.

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1621 (AB 2895) Farr. Federal expenditures.

An existing law, which is repealed January 1, 1991, makes the Commission on State Finance and the Employment Development Department responsible for providing specified information regarding federal expenditures.

This bill would, until July 1, 1994, enact a similar law which would make the commission responsible for providing specified information regarding federal expenditures. The commission would be required to convene a working group on federal expenditures, to be composed as specified, in order to carry out specified functions.

This bill would appropriate $47,500 to the commission to carry out the purposes of this act from January 1, 1991, to June 30, 1991.

Ch. 1622 (AB 2983) Pringle. Pest control: Mediterranean fruit flies.

Under existing law, the Department of Food and Agriculture conducts and administers various pest control programs.

This bill would appropriate $600,000 from the General Fund to the department to fund the department's laboratory in Hawaii for the production of sterile Mediterranean fruit flies.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1623 (AB 3057) Polanco. Special education.

Existing law provides state funding for special education programs pursuant to services-based apportionment formulas.

This bill would provide an entitlement to increased funding for special education local

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plan areas that are severely impacted by pupils who reside in licensed children's institutions, as defined, by permitting a special calculation for their support services amounts. It would also impose a limit on the funding adjustments based on prescribed enrollment percentages for the 1989–90 school year. The bill would repeal these provisions as of January 1, 1996.

The bill would appropriate $100,000 to Section A of the State School Fund for allocation by the Superintendent of Public Instruction for the purposes of the act.

To the extent that this appropriation would allocate funds to school districts for special education, those funds may be applied toward the minimum funding requirements for school district and community college districts imposed by Section 8 of Article XVI of the California Constitution.

Ch. 1624 (AB 3061) Tanner. San Gabriel Valley groundwater: hazardous substances.

(1) Existing law requires the State Department of Health Services to perform a priority ranking of sites for removal and remedial actions related to the cleanup of, and the department is authorized to issue an order establishing a schedule for removing or remedying the release of, a hazardous substance.

Existing law provides for the Hazardous Substance Account and the Hazardous Substance Cleanup Fund. The money in the fund and the account may generally be expended by the department, upon appropriation by the Legislature, to pay for various costs of removal and remedial action related to the cleanup of hazardous substance releases. Existing law requires the Attorney General to recover any costs incurred and payable from the account or the fund, upon request by the department, from the liable persons.

This bill would require the department to 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, as specified.

(2) Existing law appropriated $21,400,000 from the contingency reserve for economic uncertainties in the General Fund for specified purposes concerning clean water, including $1,400,000 to the department to design, purchase, and install water treatment systems for the Rurban Homes and Richwood Mutual Water Companies and to expand the system of the Hemlock Mutual Water Company.

This bill would reduce that $1,400,000 appropriation to $300,000 and would additionally appropriate $1,100,000 to the department for expenditure, for the design, purchase, and installation of a water treatment system for the Valley County Water District in Baldwin Park, in accordance with prescribed requirements.

(3) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1625 (AB 3118) Moore. Crime prevention: gang members.

Under existing law, the Office of Criminal Justice Planning administers the Gang Violence Suppression Program, a program which provides financial and technical assistance for district attorneys' offices, local law enforcement agencies, county probation departments, school districts, county offices of education, and defined community-based organizations which are primarily engaged in the suppression of gang violence, as specified.

Existing law, with certain exceptions, requires community-based organizations that are grantees under this program, in addition, to implement certain activities. Existing law permits community-based organizations to select from a list of certain alternative activities for this purpose, in addition to activities which are mandated for all.

This bill would add mobilization of the community to help prevent and suppress gang violence, to the list of alternative activities.

This bill would also make legislative findings and declarations regarding gang- and drug-related violence, and the need for alternate activities for the young people in communities where this type of violence is a problem.

This bill would establish a pilot program, the "After School Alternative Program" (ASAP), to be established and implemented within a Los Angeles community that elects to participate in and develop an ASAP program. The establishment of the program

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would be contingent upon the availability and receipt of federal funding for this purpose. The program would be designed to give young people in the community specified alternative activities to participate in after school, to be furnished by specified groups of people within the community. The bill also would provide that each community that elects to participate in the ASAP program shall meet specified criteria, and fulfill specified duties with regard to the program. These provisions would remain operative until June 30, 1993.

Ch. 1626 (AB 3185) Hughes. School facilities: local matching share.

Under existing law, any school district applying for project funding under the Leroy F. Greene State School Building Lease-Purchase Law of 1976 is required to comply with a matching share requirement for the building cost portion of any project. The matching share is computed on the basis of the maximum fee that the district is otherwise authorized to levy upon residential, commercial, and industrial development within the district, over a designated period of time.

Existing law allows a district to reduce the calculation of its matching share by the sum of several specified amounts.

This bill would, in addition, allow a district to reduce the calculation of its matching share by an amount reflecting the value of land that the district has acquired in lieu of developer fees or other requirements the district could have levied. The district would be required to demonstrate a need for and eligibility for construction within 5 years of acquiring the lands. To reduce the matching share by the value of the land, the district would be required to also receive authorization from the State Department of Education to use the land as a schoolsite.

The bill would also revise the existing matching fund requirement by deleting an erroneous cross-reference.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1627 (AB 3195) N. Waters. Community services districts.

Existing law, with respect to the Bell Canyon and Lake Sherwood Community Services Districts only, permits a district to adopt regulations by ordinance limiting access and use of roads owned by the district and not dedicated to public use and parks and recreational facilities of the district to landowners and residents of the district. Existing law makes the violation of any regulation adopted by an ordinance of this nature a misdemeanor.

This bill would extend that authority with respect to access and use of roads only, to the Cameron Estates Community Services District. This extension of authority would create a new crime and thereby impose a state-mandated local program.

The bill would state findings and declarations of the Legislature concerning the need for a special statute in these circumstances.

Existing law specifies the powers of community services districts and authorizes certain districts, if approved by the voters, to enforce covenants, conditions, and restrictions adopted for each tract within the district and to assume the duties of the architectural control committee for each tract to maintain uniform standards of development with the district.

This bill would also grant these powers to the Springfield Meadows Community Services District.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1628 (AB 3237) Chacon. Postsecondary education: minority participation: California Postsecondary Education Commission.

Existing law contains various programs to enhance minority student participation at postsecondary education institutions.

This bill would state the intention of the Legislature that designated programs be

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expanded, as specified, to serve all eligible students in all regions of the state, so that all Latino, Black, Native American, and low-income students will have the full opportunity to complete a baccalaureate program.

The bill would require reports, as specified, on strategies to expand these programs to be submitted to the legislative budget committees and the California Postsecondary Education Commission, prior to March 15, 1992. It would also require the Postsecondary Education Commission to submit to the legislative budget committees its comments and recommendations on these reports prior to May 1, 1992.

Ch. 1629 (AB 3272) Filante. Medical Board of California.

(1) Existing law, known as the Budget Act of 1990, makes appropriations for the support of the government of the State of California, including for the support of the Medical Board of California, payable from the Contingent Fund of the Medical Board of California.

This bill would amend Item 1390-046-758 of Section 2.00 of the Budget Act of 1990, Chapter 467 of the Statutes of 1990, to increase funding for the support of the Medical Board of California from $9,509,000 to $14,253,000 for allocation, as specified. The bill would require the board to prepare 3 reports, as specified, and submit them to specified legislative committees. This bill would require the Department of Finance to submit a request for deficiency authorization from the Contingent Fund of the board for a specified purpose.

(2) Existing law does not require the Medical Board of California to report to the Legislature any recommendation on increasing the postgraduate training requirements for applicants for licensure as a physician and surgeon.

This bill would require that report to be given to the Legislature on or before January 1, 1992.

(3) This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1630 (AB 3327) Lewis. Mobilehome parks: gas distribution systems.

(1) Under existing law, every operator of a gas distribution system in a mobilehome park is required to prepare and submit to the Department of Housing and Community Development or the designated local enforcement agency, an annual report on that distribution system, using a designated United States Department of Transportation form for that purpose. The Department of Housing and Community Development is required to transmit a copy of the report to the Public Utilities Commission, which is required to examine the report and notify the United States Department of Transportation of any suspected violations. Under existing law, a mobilehome park operator who fails to file the required report is subject to a civil penalty of not more than $1,000 for each day that the failure to file the report continues, not to exceed $200,000 for a single violation or related series of violations.

This bill would repeal the existing law and enact new provisions governing gas distribution systems. The bill would require mobilehome park operators with a master-metered natural gas distribution system to annually prepare and submit to the commission a report on the gas distribution system.

The bill would require the commission to examine the report and would authorize the commission to inspect the distribution system for specified violations.

The bill would provide specified civil penalties for failing to file the report.

Since, under existing law, a violation of the rules or orders of the commission is a misdemeanor, a violation of the provisions of this bill would be a crime, thereby imposing a state-mandated local program.

(2) The bill would provide that it not prevail over, but form a single act with, SB 2647, if both bills are chaptered and this bill is chaptered last.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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Ch. 1631 (AB 3530) Margolin. Household batteries.

Existing law does not require the California Integrated Waste Management Board to study the disposal and recyclability of household batteries.

This bill would require the board to conduct a study of specified contents on the disposal and potential recyclability of household batteries, as defined. The bill would require the board to submit a report describing the results of the study and its recommendations, as specified, to the Legislature on or before March 1, 1992. The bill would also require the board to include prescribed information based on the study in a specified report to the Legislature on March 31, 1993.

The bill would appropriate $150,000 from the Integrated Waste Management Account in the Integrated Waste Management Fund to the board for the purposes of conducting the study and making the report.

Ch. 1632 (AB 3672) Elder. Occupational safety and health: refinery and chemical plant safety.

Existing law authorizes the Occupational Safety and Health Standards Board to adopt, amend, or repeal occupational safety and health standards and orders. Existing law also requires every employer to establish, implement, and maintain an effective injury prevention program

This bill would require the board, by no later than July 1, 1992, to adopt specified process safety management standards for prescribed refineries, chemical plants, and other manufacturing facilities. It would require certain employers to establish and implement an emergency action plan unless a prescribed business plan for emergency response meets the standards established by the board.

The bill also would permit the Division of Occupational Safety and Health, notwithstanding the availability of federal funds to carry out the purposes of the above provisions, to fix and collect reasonable fees for consultation, inspection, adoption of standards, and other duties conducted pursuant to these provisions. The expenditure of these funds shall be subject to appropriation by the Legislature in the annual Budget Act

This bill, in addition, would make various legislative findings and declarations.

Ch. 1633 (AB 3703) Hauser. Fish.

(1) Existing law prohibits possession of salmon, lobster, or abalone for preparation for human consumption aboard a commercial salmon vessel while that vessel is on a commercial fishing trip, unless that fish is taken or possessed in compliance with applicable laws, as specified

This bill would make that provision applicable to all commercial fishing vessels and would limit its application to possession of lobster and abalone.

(2) Existing law prohibits the taking of salmon for sport purposes on a vessel for which a commercial salmon fishing vessel permit has been issued, except, among other uses, the taking of salmon from a permitted vessel for sport purposes under a sportfishing or a sport ocean fishing license, as specified, 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. Existing law provides for an assessment at the rate of 4% of its full cash value for vessels engaged or employed exclusively in, among other things, the taking and possession of fish or other living resource of the sea for commercial purposes.

This bill would provide that a vessel engaged in the taking of salmon for sport purposes under a sportfishing or sport ocean fishing license, as specified, shall be considered as meeting the criteria for that rate of assessment.

(3) Existing law requires a set line or set net, defined to be a line or net used to take fish that is anchored to the bottom on each end, to be marked with buoys displaying the fisherman's identification number. Existing law also requires a fishing line anchored to the bottom on one end and attached at the surface to a buoy to have displayed on the buoy the department registration number of the vessel from which the line is being fished.

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This bill would require the latter buoy to be marked with the fisherman's identification number and would define "fisherman's identification number" for purposes of both of those provisions.

(4) Existing law makes a violation of the requirement that a person have a license to take mammals or birds punishable by a fine not to exceed $2,000.

This bill would specify that the fine shall be not less than $250.

(5) Existing law makes a violation of the requirement that a person have a sportfishing license or sport ocean fishing license in his or her possession in order to take any fish, reptile, or amphibia punishable by a fine of not less than $100 nor more than $500 for a first offense and not less than $250 nor more than $500 for a subsequent offense.

This bill would increase the fine to not less than $250 nor more than $1,000 for a first offense and not less than $500 nor more than $1,000 for a subsequent offense.

(6) Existing law authorizes the Director of Fish and Game to enter into a mutual agreement or compact with the Hoopa Valley Business Council and the Bureau of Indian Affairs acting as trustee for the Klamath River Basin tribes, regarding the taking of fish as specified.

This bill would conform those provisions to the separation of the Klamath River Reservation into the Yurok Reservation and the Hoopa Valley Reservation and the recognition of separate tribes in those reservations by federal law (P.L. 100-580).

(7) The bill would make other technical changes to the Fish and Game Code.

(8) Section 2229 of the Revenue and Taxation Code provides that no new classification or exemption of property for purposes of ad valorem property taxation shall extend for more than 5 years or shall exempt more than 75% of the value thereof. The section requires the Legislature to reimburse local agencies annually for certain property tax revenues lost as a result of the exemption.

This bill would provide that the requirements of Section 2229 of the Revenue and Taxation Code do not apply to the property tax exemption provided by the bill, and that no appropriation is made and the state shall not reimburse local agencies for property tax revenues lost by them pursuant to the bill.

(9) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

Existing law also makes violations of the Fish and Game Code, generally, misdemeanors

This bill would, therefore, impose a state-mandated local program by changing the definitions of, and punishment for, crimes.

The bill would provide that no reimbursement is required by this act for a specified reason.

(10) Existing law continuously appropriates the money in the Fish and Game Preservation Fund to the department to carry out the Fish and Game Code.

Because the bill would impose duties on the department with respect to the Klamath River Indian Tribes, as defined, which are funded by continuous appropriations, the bill would make an appropriation.

Ch. 1634 (AB 3777) Chandler. Solid waste: recycling and source reduction: rural areas.

Existing law requires counties and cities to divert 25% of solid waste from landfill or transformation, as defined, facilities by January 1, 1995. Existing law also requires a goal of recycling 20% of solid waste.

This bill would require the California Integrated Waste Management Board to complete a study and report to the Legislature the results of the study on recycling and source reduction, as specified, in rural areas on or before July 1, 1991.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1635 (AB 3796) Bane. Vehicles: address records.

Existing law, with specified exceptions, makes residence addresses in the records of the Department of Motor Vehicles confidential, restricts the release of mailing addresses in those records, and prescribes specified civil penalties for certain violations. Under

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existing law, a person who violates those provisions is required to have specified privileges suspended or revoked for 5 years.

This bill would exempt from those provisions, under specified conditions, licensed vehicle manufacturers and dealers, and persons who provide advance adequate written assurance that the information will be used solely for statistical research or reporting purposes. The bill would specify that violators of the residence and mailing address provisions are also subject to any other penalties provided in the Vehicle Code, and that violators shall have those privileges suspended for 5 years or revoked.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1636 (AB 3805) Bronzan. Public social services: licensed maternity homes.

(1) Existing law provides for the provision of services by licensed maternity homes to unmarried women under the age of 21 years. The State Department of Social Services is required to reimburse licensed maternity homes for costs of care and services provided at a rate equal to no more than a 10% annual increase over a flat rate set for the 1977–78 fiscal year.

Existing law requires the department to establish a rate of reimbursement for group homes under the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, according to specified classifications.

This bill would instead require reimbursement for services by licensed maternity homes to unmarried women under 18 and certain women 18 years of age. It would also require the department to reimburse licensed maternity homes at the same rate as that determined for certain comparably classified group homes under the AFDC-FC program. The bill would provide rate increases that could only be made to the extent funds are appropriated for that purpose.

(2) Existing law exempts parents of a person under 21 years of age who is domiciled in the state from financial responsibility for services provided to that person by a licensed maternity home.

This bill would instead exempt parents of a person under 18 years of age from that financial responsibility. It would also require maternity home providers to attempt to obtain financial support for a client residing in a maternity home in certain circumstances, and would specify that placement in a maternity home shall not be subject to financial contributions of the parent or parents of the client.

(3) Existing law appropriates moneys from the General Fund to the State Department of Social Services for reimbursing licensed maternity homes in accordance with a specified schedule.

This bill would repeal those provisions.

(4) Under existing law, a minor may be adjudged a dependent child of the court under certain specified conditions.

This bill would specify that no county welfare department shall require a pregnant minor to be adjudged a dependent child of the court pursuant to those provisions or require the parents or guardians of the minor to consent to that action as a condition for agreeing to place the minor in a licensed maternity home.

(5) This bill would require the department to review admissions to licensed maternity homes at least annually, and to report to the Legislature the results of its reviews to date, by January 1, 1993.

(6) This bill would also require the State Department of Social Services to report to the Legislature by October 1, 1991, on the feasibility of requiring recipients of licensed maternity home services to apply for assistance under AFDC.

Ch. 1637 (AB 3868) Farr. Ocean resources: liaison program.

Under the California Ocean Resources Management Act of 1990, there is a coordinated program of ocean resources planning and management, consisting of specified elements.

This bill would authorize the state 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, after at least one other state participates in the program. The bill would provide for the liaison program to provide specified assistance and would require the program to include

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workshops, as prescribed. The bill would make other technical changes.

Ch. 1638 (AB 3918) Nolan. Postsecondary education: student safety.

Under existing law, higher education in California is provided by the University of California, the California State University, the California Community Colleges, and certain independent colleges and universities throughout the state. Numerous provisions regarding the responsibilities of the various components of the higher education system in California are codified in the Donahoe Higher Education Act.

This bill would add provisions to the Donahoe Higher Education Act requiring 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, under specified conditions, to require the appropriate officials at each campus within their respective jurisdictions to compile records and safety plans, as specified, relating to campus security, and to make these records and plans available on the request of any student or employee of, or applicant for admission to, any campus within their respective jurisdictions, as specified.

The provisions of this bill would be applicable to the Board of Directors of the Hastings College of the Law or the Regents of the University of California only to the extent that either of these bodies adopts a resolution to make these provisions applicable.

The bill would not apply to the California Community Colleges unless and until the Legislature makes funds available to that system for the purposes described above.

The bill would also require each private postsecondary educational institution and private vocational educational institution, as defined, to comply with its provisions.

Ch. 1639 (AB 3991) W. Brown. Attorneys.

Existing law provides for a contract by the Board of Governors of the State Bar 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. Existing law required a final report to be submitted to each of the Committees on Judiciary of the Legislature no later than September 1, 1989.

This bill would provide for a contract on the same matters with a report to be submitted to each of the Committees on Judiciary no later than September 1, 1993.

Under existing law, the Board of Governors of the State Bar and its committees may investigate matters affecting the discipline of members, with or without complaint.

Existing law imposes various requirements for an applicant to be certified to the Supreme Court for admission and a license to practice law, including a requirement of good moral character.

This bill would provide that 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 unless the violations involve moral turpitude or result in prosecution under state law. It would provide that 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, thereby imposing a state-mandated local program by creating a new crime.

This bill would also provide that investigations or proceedings regarding an applicant's moral character are confidential unless confidentiality is waived, as specified.

Under existing law, it is the duty of an attorney to cooperate and participate in any disciplinary investigation or other regulatory or disciplinary proceeding pending against the attorney.

This bill would provide that the duty to cooperate 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.

Existing law provides for the appointment of judges of the State Bar Court by the Supreme Court.

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This bill would provide that preference shall be given to persons with judicial experience, except, as specified.

Under existing law, hearings and records of original disciplinary proceedings in the State Bar Court are generally public.

This bill would provide that, until the time that formal charges are filed, all disciplinary investigations and records relating to those investigations are confidential unless the confidentiality is waived by the member whose conduct is being investigated or by the President or Chief Trial Counsel of the State Bar for specified reasons.

Under existing law, a person may not practice law in California unless he or she is an active member of the State Bar.

This bill would make nonsubstantive changes in this provision.

Existing law establishes an annual membership fee for members of the State Bar for the year, 1990, but does not establish a membership fee for later years.

This bill would establish the annual membership fee for 1991 and 1992. In general, it would increase the base fee by $23, and would increase a fee for the Client Security Fund by $15. It would extend the applicability of related fees, it would make related changes, and it would declare legislative intent to confirm, validate, and declare effective fees imposed and collected in 1990.

The bill would also require the State Bar to report to the Legislature, on or before January 1, 1993, regarding implementation of, or response to, a specified judicial decision with respect to the use of State Bar dues, and to report to the Legislature on or before September 1, 1991, concerning workload standards, as specified.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1640 (AB 3997) Sher. Environmental quality: guidelines.

Under existing law, the Secretary of the Resources Agency is required to adopt guidelines for the California Environmental Quality Act and the Office of Planning and Research is required to periodically review the guidelines and to recommend changes or amendments to the secretary.

This bill would require the office to review the guidelines at least once every 2 years.

Ch. 1641 (AB 4084) Moore. Telephones: prerecorded messages.

Existing law makes unlawful various practices which are considered unfair methods of competition or unfair or deceptive practices, as specified.

This bill would add the dissemination of an unsolicited prerecorded message by telephone without first informing the person answering the telephone, as specified, of the name of the caller or the organization being represented, and either the address or telephone number of the caller, and without obtaining the consent of that person to listen to the prerecorded message to the list of these practices, except as specified.

Ch. 1642 (AB 4161) Katz. Pest control: research: funding.

Existing law provides for various research programs for pest control and eradication and for their funding.

This bill would enact the University of California Pest Research Act of 1990. The bill would declare the intent of the Legislature that the Regents of the University of California establish the University of California Center for Pest Research to review and prioritize pest-related research conducted through the university. The bill would declare legislative intent that the center award pest research funds, as prescribed.

The bill would declare legislative intent that the center, through its director, develop a list of recommended pest management research priorities with specific emphasis and objectives.

The bill would require the university to prepare an annual report relating to activities of the center for submittal to the Legislature, as prescribed.

The bill would specify that its provisions shall apply to the university only to the extent

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that the Regents, by resolution, make any of the provisions of the bill applicable to the university.

Ch. 1643 (AB 4195) Baker. Medi-Cal: purchase contracts.

Existing law provides for a Medi-Cal list of contract drugs. On and after January 1, 1993, drugs on the list of contract drugs become the Medi-Cal drug formulary.

This bill would make changes to the definition of "best price" and "equalization payment amount," used in relation to the Medi-Cal list of contract drugs. It would delete a requirement that the Department of Health Services accept a manufacturer's best price as sufficient for purposes of entering into negotiations for a contract to place a drug on the list of contract drugs. It would also require the department to update the existing list of Maximum Allowable Ingredient Costs (MAIC) for drugs, and would require the department to base additional MAICS on a reference drug brand which is generically equivalent to the innovator brand.

Existing law provides for the Medi-Cal program pursuant to which medical benefits are provided to public assistance recipients and certain other low-income persons.

The Medi-Cal program is funded by federal and state funds, and administered by the State Department of Health Services. Federal financial participation, through the federal medicaid program, is contingent upon approval of the state plan for the provision of health services through the Medi-Cal program.

The bill would require the State Department of Health Services to report to the Auditor General on the number of exclusive and nonexclusive contracts entered into for the purchase of prescription drugs, supplies, and equipment under the Medi-Cal program no later than September 1, 1990.

The bill would require the Auditor General to conduct a study on the Medi-Cal drug contracting program and the price of drugs purchased by the Medi-Cal drug program, and report the results of the study 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. It would prohibit the Auditor General from expending more than $145,000 in preparing the study and report. If the cost exceeds that amount, the bill would require the Auditor General to instead complete items in the study in a specified order of priority.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1644 (AB 4249) Cannella. Public social services: foster care.

(1) Existing law requires the State Department of Mental Health to establish and maintain a special system of payment for supplemental mental health services rendered to court wards and dependents who are placed out-of-home or at risk of placement.

This bill would require the department also to establish, by October 1, 1992, a special system of per child payments for these services. It would require that the payment system ensure that children are served according to specified standards, and that it encourage utilization of other resources where possible, including Medi-Cal, and would state the intent of the Legislature that it be flexible so that services can be provided in the most appropriate setting. It would require the department to establish specified guidelines by October 1, 1992, to remain in effect until the special system of payments is established.

(2) Existing law requires the department, by October 1, 1990, to establish by regulation definitions of priority ranking of subsets of the court wards and dependents target population and of priority supplemental services to be available to the target population.

This bill would instead require the regulations to be established by January 1, 1992. It would require allocations of funds appropriated for services to be based on the number of court wards and dependents identified in the priority rankings, and would require the definition of services to include various specified services.

(3) Existing law provides that counties shall be held harmless for failure to provide services to children identified in need of services for whom there is no funding.

This bill would specifically refer to assessment and treatment services in this provision.

(4) Existing law authorizes the department to adopt emergency regulations concerning the establishment of the special system of payment for supplemental health services

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which are subject to automatic repeal 120 days after adoption unless specified procedures are complied with.

This bill would repeal that provision, and instead authorize the adoption of emergency regulations for the implementation of this bill subject to automatic repeal 180 days after adoption.

(5) This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1645 (AB 4325) Baker. Inland Wetlands Conservation Program.

Under existing law, the Wildlife Conservation Board is required to determine the areas in the state which are most essential and suitable for wildlife production and preservation and to authorize the acquisition of lands, rights in lands, water, and water rights necessary to carry out the Wildlife Conservation Law of 1947.

This bill would require the Wildlife Conservation Board to administer the Inland Wetlands Conservation Program, under which wetlands would be acquired, improved, bought, sold, and leased, as specified.

The bill would designate the board as the agency for the allocation of specified funds under the California Wildlife Protection Act of 1990 and to carry out the Central Valley Habitat Joint Venture, as described in the bill.

The bill would create the Inland Wetlands Conservation Fund in the Wildlife Restoration Fund for the allocated funds.

The bill would provide for the deposit of specified funds in the conservation fund and would continuously appropriate the money in the fund to the board for the purposes of the bill.

Ch. 1646 (AB 4328) Baker. Water reclamation: wildlife refuges

Under existing law, the State Water Resources Control Board is the principal state agency responsible for the coordination and control of water quality.

This bill would require the board to conduct a survey to identify water and sewage reclamation plants that produce water that would be suitable and available for use in central valley wildlife refuges. The bill would require the survey to include specified determinations, if feasible. The bill would require the board to report on the survey to the Legislature and the Governor by January 1, 1992.

Ch. 1647 (AB 1033) Wright. Public assistance: child and spousal support enforcement.

(1) Under existing law, there is a child and spousal support enforcement program which is funded in part by the federal government, supervised by the State Department of Social Services, and administered through the district attorney's office in each county, according to a state plan. The director of the department may impose certain penalties or fiscal sanctions on counties failing to comply with any provision of the state plan.

This bill would, in addition, require that fiscal sanctions or penalties imposed by a federal agency as the result of improper or inadequate administration of the child and spousal support enforcement program by counties, or reductions in federal funding based on lack of compliance, be borne by, and apportioned among, the state and those counties, as specified, based on proportionate shares of responsibility.

(2) Existing law appropriates moneys for the payment of various federal and state incentives to counties, for increased state AFDC incentives for aid-related interstate collections, and federal incentives and increased state incentives for nonfederally funded foster care support collections, and to supplant any reduction in federal financial participation in the child support enforcement program, according to specified criteria. Existing law specifies that a state incentive allocation for certain AFDC-related collections shall be determined at a different rate between January 1, 1989 and June 30, 1991.

This bill would instead specify that the allocation for AFDC-related collections be redetermined from January 1, 1989, to December 31, 1991. It would specify that these provisions shall be repealed on January 1, 1992. It would reenact these provisions as of July 1, 1996, deleting references to obsolete state incentives.

This bill would require the State Department of Social Services to establish a performance-based incentive system for the payment of state and federal funds to counties, as

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specified, and would appropriate funds to be paid to counties based on a specified base rate. It would specify that these provisions shall become inoperative on June 30, 1996, and shall be repealed on January 1, 1997.

(3) Existing law requires the State Department of Social Services to provide payments to each county at a specified rate for paternity established for child support enforcement purposes, and to report and make recommendations to the Legislature on the effects of, and needed revisions to, this incentive system. These provisions become inoperative on June 30, 1991, and shall be repealed as of January 1, 1992.

This bill would delete the inoperative date, thereby extending the operation of the system until January 1, 1992.

(4) Under existing law, the state pays 83.3% of the nonfederal administrative costs of administering non-AFDC aid grants pursuant to specified provisions, and 50% of the nonfederal administrative costs of administering AFDC and other specified grants.

This bill would require that each county shall be responsible for its nonfederal share of administrative expenditures for administering the child support program, except that, between July 1, 1991, and June 30, 1993, inclusive, the state shall pay the nonfederal share of specified administrative costs. The bill would further provide that state funding of county costs after June 30, 1993, shall be subject to availability of funds in the annual Budget Act. It would repeal these provisions as of January 1, 1997.

This bill would also reenact the requirement that counties shall be responsible for specified nonfederal administrative costs, excluding the provisions requiring state funding for specified costs, to become operative July 1, 1996.

By revising the responsibility of counties for funding of the child support enforcement program, this bill would impose a state-mandated local program.

This bill would further provide that funds over and above the cost of administering the child support program that are paid to counties shall be used to support the child support enforcement services of the district attorney.

It would, in addition, require the State Department of Social Services to increase a county's base incentive rate to supplant any reduction in specified federal funding for administrative costs.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claim Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 1648 (AB 1145) Sher. Transportation. petroleum violation escrow funds: appropriation.

(1) Under existing law, funds in the Petroleum Violation Escrow Account, as defined in federal law, have been disbursed to this state by the federal government and deposited in the Federal Trust Fund.

This bill would, to the extent permitted by federal law, appropriate $7,495,000 of those funds, to be disbursed by the Controller on approval of the Director of Finance, to the State Energy Resources Conservation and Development Commission for allocation for specified transportation-related purposes.

(2) Existing law establishes the Katz Safe Schoolbus Clean Fuel Efficiency Demonstration Program, and declares the Legislature's intent to appropriate for implementation of that program ½ of each future disbursement of federal oil overcharge funds received by the state.

This bill would provide that money in the Federal Trust Fund received by the state from federal oil overcharge funds which is available for appropriation during the 1989–90 fiscal year shall be appropriated in accordance with the Legislature's declared intent.

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Ch. 1649 (AB 1367) N. Waters. Rural counties: finances.

Under existing law, and until January 1, 1991, counties with a population of 300,000 or less may receive a reimbursement from the state, without regard to fiscal year, of 90% of the costs incurred by the county for each homicide trial or hearing. Reimbursements are made to a county for those costs incurred which exceed the amount of money derived by the county from a prescribed property tax.

This bill would extend this authorization to January 1, 1995.

In addition, existing law provides, until January 1, 1991, that the amount of reimbursement that a county with a population of 150,000 or less may receive from the state for the cost of 2 or more homicide trials or hearings within a fiscal year is 90% of those costs, in excess of the specified property tax derived, for the 1st trial, and 85% of the costs incurred for subsequent trials or hearings.

This bill would increase the population limit for this authorization to 200,000 as of January 1, 1990, and extend the date to January 1, 1995.

Existing law also allows a county until January 1, 1991, with a population of 150,000 or less to obtain reimbursement under the above provision for the costs incurred in the conduct of only one homicide trial or hearing which is continued from a prior fiscal year without limiting the amount of that reimbursement to those costs which exceed the amount of money derived by the county from the prescribed property tax.

This bill would increase the population limit for this authorization to 200,000 as of January 1, 1990, and extend the date to January 1, 1995.

Existing law allows a county, until January 1, 1991, with a population exceeding 300,000 to obtain reimbursement from the state for 80% to 100% of costs incurred by the county for each homicide trial or hearing. Reimbursements are made to a county for those costs incurred which exceed the amount of money derived by the county from prescribed property taxes.

This bill would extend that authorization to January 1, 1995.

This bill would, additionally, delay the operative date of a provision which is currently scheduled to be operative on January 1, 1991, authorizing a county to apply to the Controller for reimbursement of the costs of a trial or a hearing of a person for the offense of homicide in excess of the amount of money derived by the county from a tax of 0.0125 of 1% of the full value of the property assessed for the purposes of taxation within the county, until January 1, 1995.

This bill would further provide that if the venue for trial of a homicide case, for which a final judgment has not been entered as of January 1, 1990, has been changed from the county which is eligible for reimbursement under these provisions to a location more than 60 miles from the county seat of that county, and the district attorney 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, 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.

This bill would additionally allow the County of Calaveras to apply to the Controller for reimbursement of 100% of its costs incurred between January 1, 1991, and January 1, 1993, from the homicide trial of Charles Chitat Ng because of the extraordinary nature of that trial. The bill would state that these provisions constitute necessary legislation.

The bill would provide that none of its provisions permit the reimbursement of travel expenses for individual trips in excess of 1,000 miles on any single round trip, without prior approval of the Attorney General.

Ch. 1650 (AB 2565) Assembly Committee on Governmental Efficiency and Consumer Protection. School and hospital plans.

Existing law does not require the State Architect to prepare plans relating to coordinating state design and construction requirements.

This bill would require the State Architect, the Office of Statewide Health Planning, and the State Fire Marshal to establish a 2½ year pilot project, ending June 30, 1993, to consolidate each agency's school and hospital plan checking functions at 2 separate locations in southern California, as specified.

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This bill also would require the State Architect to prepare 2 plans. One plan would relate to improving the allocation of state agencies' resources in order to meet the state's responsibilities for review and approval of school and hospital design and construction. This plan would be developed in conjunction with the State Fire Marshal, the Director of the Office of Statewide Health Planning and Development, and the public. The 2nd plan would be 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 would be required to submit the plans to the Governor and the Legislature not later than July 1, 1991.

Ch. 1651 (AB 3069) Clute. Transportation: telecommuting: pilot project.

Under existing law, the Department of General Services has authority regarding contracting for goods and services on behalf of the state, and the Department of Transportation is responsible for construction and maintenance of the state highway system.

Under existing law, funds in the Petroleum Violation Escrow Account, as defined in federal law, have been disbursed to this state by the federal government and deposited in the Federal Trust Fund.

This bill would, to the extent permitted by federal law, appropriate $200,000 of those funds to the Department of General Services, if the department obtains $100,000 or more from both the Riverside County Transportation Commission and private industry, and $100,000 or more from both the San Bernardino County Transportation Commission and private industry for these purposes, for the department, in coordination with the Department of Transportation, to contract with a private sector regional commuter service provider to conduct a one-year telecommuting pilot project, as defined, for employees of private industry, as an alternative to commuting between home and work between (1) Orange and Riverside Counties and (2) designated portions of San Bernardino County.

The bill would require the Department of General Services, in cooperation with the Department of Transportation, to report, as specified, to the Legislature on the results of the pilot project with its recommendations by July 1, 1992.

Ch. 1652 (AB 3548) N. Waters. Sierra Lakes County Water District.

(1) Under existing law, voters in the Sierra Lakes County Water District are required to be owners of real property in the district and need not be district residents, and each voter is entitled to cast only one vote.

This bill would also permit resident voters who are not landowners to vote in elections of the Sierra Lakes County Water District, thereby imposing a state-mandated local program. The bill would also prohibit the district from exercising specified powers of county water districts relating to fire protection, recreation, and sanitation.

The bill would make legislative findings and declarations.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1653 (AB 4319) Bates. Transportation: Guaranteed Return Trip Demonstration Project.

(1) Existing law prescribes the functions, powers, and duties of the Department of Transportation.

This bill would require the department to establish and administer a Guaranteed Return Trip Demonstration Project. The project would provide for the awarding of grants of specified amounts to public and private entities for the development and operation of 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 unforeseen occurrence.

The bill would require the department to evaluate the effectiveness of the individual programs funded pursuant to the bill and to submit the results of that evaluation,

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together with its recommendations for continuing the demonstration project, to the Legislature by July 30, 1993.

(2) Existing law prescribes the functions, powers, and duties of the Department of General Services.

This bill would require the department to establish and administer a Guaranteed Return Trip Demonstration Project to make return trip transportation available to eligible state employees in cases of emergency or unforeseen circumstances which make it necessary for the employee to leave his or her workplace. All state employees who regularly commute to work by use of mass transit or high-occupancy vehicle would be eligible for the services.

The bill would require the department to evaluate the demonstration project and submit a report on that evaluation to the Legislature by July 30, 1993.

(3) Under existing law, petroleum violation escrow funds, as defined in federal law, are disbursed to the state by the federal government and are deposited in the Federal Trust Fund in the State Treasury, a continuously appropriated fund.

This bill would, to the extent permitted by federal law, appropriate $300,000 of those funds for deposit in the Guaranteed Return Trip Fund, which the bill would create, and appropriate $150,000 from that fund for each of the calendar years of 1991 and 1992 to fund the demonstration projects.

Ch. 1654 (AB 4370) Hansen. Environmental quality: passenger rail service.

(1) Under existing law, the California Environmental Quality Act does not apply to a project for the institution or increase of passenger or commuter service on rail rights-of-way already in use. The California Supreme Court has held that this provision exempts from the act a project for the institution of passenger rail service on a line paralleling State Highway Route 29 and running from Rocktram to Krug in the Napa Valley.

This bill would provide that the California Environmental Quality Act applies to a project for the institution of passenger rail service on a line paralleling State Highway Route 29 and running from Rocktram to Krug in the Napa Valley. It would also provide that, for the purposes of the act, the Public Utilities Commission is the lead agency. It would additionally declare the intent of the Legislature to abrogate the decision of the California Supreme Court in Napa Valley Wine Train, Inc. v. Public Utilities Com., 50 Cal. 3d 370.

(2) This bill would also declare that it is to take effect immediately as an urgency statute.

Ch. 1655 (SB 494) Rosenthal. Energy resources: research and development.

(1) Existing law provides for programs for energy conservation and development, including energy technologies research, development, and demonstration programs, administered by the State Energy Resources Conservation and Development Commission.

This bill would appropriate $1,000,000 of the money in the Federal Trust Fund, received by the state from federal oil overcharge funds in the Petroleum Violation Escrow Account and other sources, 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 bill would authorize the commission to make this funding available only if the utilities in this state provide specified funding for the institution. The bill would require at least 30% of the funds made available to the institute to be used for research, development, and application of energy efficiency measures which contribute to environmental protection goals, including significant air pollution reductions.

(2) Existing law establishes the Katz Safe Schoolbus Clean Fuel Efficiency Demonstration Program, and declares the Legislature's intent to appropriate for implementation of that program 1/2 of each future disbursement of federal oil overcharge funds received by the state.

This bill would require that money in the Federal Trust Fund received by the state from federal oil overcharge funds which is available for appropriation during the 1990-91

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fiscal year be appropriated in accordance with the Legislature's declared intent.

Ch. 1656 (SB 1015) Russell. PERS: employers' contributions rates.

The existing Public Employees' Retirement Law requires the Board of Administration, pursuant to specified actuarial valuations, to adjust from time to time the employers' contributions rates and authorizes the Board of Administration, if it determines that an allocation or transfer of funds would not adversely affect the system's actuarial integrity, to reduce at any time, contributions of the state, school employer, or contracting agency for a prescribed period of time, as specified.

This bill would repeal that authorization of temporary reductions. This bill would, in a section which is repealed on January 1, 1998, require the Board of Administration to recognize in fiscal years 1993–94 through 1996–97, over the same funding period used to amortize unfunded accrued actuarial obligations, using the entry age normal funding method, annually increasing portions of the assets of an employer currently designated as excess assets. This bill would, commencing on July 1, 1997, require all assets of an employer to be used in the determination of the employer contribution rate for the membership comprising the basis of the computation and require assets held to 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. This bill would further require the actuarial report in the annual PERS financial report to also express the effect of this bill and of the recognition of net unrealized gains and losses upon employer contribution rates.

Ch. 1657 (SB 1200) Petris. Used oil collection.

Existing law does not provide for grants to cities or counties for used oil collection projects.

This bill would enact the Used Oil Collection Demonstration Grant Program Act of 1990, under which the California Integrated Waste Management Board would be required to develop and administer a used oil grant program of specified contents.

The bill would transfer, to the extent permitted by federal law, $1,000,000 from the Federal Trust Fund received by the state from federal oil overcharge funds to the Used Oil Collection Demonstration Grant Fund, created by the bill, and would continuously appropriate the money in that fund to the board for purposes of the act

The bill would declare the findings and declarations of the Legislature relating to the bill.

Ch. 1658 (SB 1927) Presley. School district reorganization.

Existing law relating to the reorganization of school districts authorizes an action to reorganize one or more school districts to be initiated upon the filing, with the county superintendent of schools, of a petition to reorganize one or more school districts, as prescribed.

Existing law requires the county superintendent, if he or she finds the petition to be sufficient and signed as required by law, to transmit the petition to the county committee on school district organization and the State Board of Education.

Existing law requires the county committee on school district organization to conduct public hearings on the petition, as prescribed.

Existing law requires the county committee on school district organization, within 90 days after affording the public an opportunity to comment on the petition, including any plans and recommendations included therein, to recommend approval or disapproval of the petition as it may be augmented.

This bill, instead, would require the county committee, within 120 days of the commencement of the first public hearing on the petition, to approve or disapprove a petition for the transfer of territory, or to recommend the approval or disapproval of a petition for unification of school districts or for the division of the territory of an existing school district into 2 or more separate school districts.

Existing law requires the county committee to transmit the petition along with its recommendations thereon to the State Board of Education, except under certain conditions, when the county committee must order the petition be granted. If the petition

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is to transfer inhabited territory of less than 5% of the assessed valuation of the district from which the territory is being transferred, and certain other conditions are met, the county committee must order the petition be granted.

This bill would, instead, authorize the county committee to order the petition be granted where the petition is to transfer inhabited territory of less than 10% of the assessed valuation of the district from which the territory is being transferred, if prescribed conditions are substantially met.

Existing law requires that where the county committee approves a petition to transfer inhabited territory of 5% or more of the assessed valuation of the district from which the territory is being transferred, and certain other conditions are met, the county committee shall notify the county superintendent of schools who shall call an election as prescribed.

This bill would, instead, authorize the county committee to approve or disapprove all petitions for transfers of territory, based on specified criteria, and, if a petition is approved, would require the county committee to notify the county superintendent of schools who shall call an election, as prescribed, in the territory of the districts as determined by the county committee.

The bill would provide that the decision of a county committee to approve or disapprove a petition for the transfer of territory may be appealed to the State Board of Education. It would provide that the State Board of Education may then choose whether or not to hear the appeal.

Existing law permits the State Board of Education to approve proposals for the reorganization of districts, if the board has determined, with respect to the proposal and the resulting districts, that specified conditions are substantially met.

This bill would require the board to determine that additional conditions also be substantially met.

The bill would also authorize the State Board of Education to adopt rules and regulations relating to school district reorganizations, as specified.

Ch. 1659 (SB 2026) Craven. State officers and employees: benefits and deferred compensation.

(1) The existing Public Employees' Medical and Hospital Care Act authorizes the Board of Administration of the Public Employees' Retirement System to provide health benefits plan coverage to state and local public employees and annuitants and continuously appropriates certain funds therefor. The State Employees' Dental Care Act also continuously appropriates certain funds for its purposes.

This bill would require that the election to continue health benefits plan coverage or dental care plan coverage upon permanent separation, subject to specified conditions, from state service for specified persons, i.e., any former Member of the Legislature, elective officer of the state whose office is provided by the Constitution, or exempt employee, as defined, be exercised within 60 days of that separation.

This bill would also authorize those persons to elect to have their coverage continued, under specified conditions, in a health benefits plan and dental care plan provided to annuitants from the date of separation to the date of retirement, without discrimination as to premium rates or benefit coverage, upon assuming payment of the contributions otherwise required of the former employer, the employee contributions, and related administrative costs. These changes would increase the amounts paid into continuously appropriated funds and would require the expenditure of continuously appropriated funds for new purposes and would, therefore, constitute appropriations.

(2) A provision of the Public Employees' Medical and Hospital Care Act authorizes any inactive member of the Legislators' Retirement System with at least 8 years of service credit, upon assuming payment of all employee and employer contributions and a specified administrative fee, to enroll, subject to specified time and reenrollment limitations, in the health benefits plan and dental care plan provided to members of the Legislators' Retirement System and would require the member, upon retirement, to be deemed an annuitant.

This bill would repeal the requirement that persons becoming eligible after January 1, 1989, exercise the election within 120 days after separation from employment.

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(3) Existing law authorizes state employees to participate in deferred compensation plans administered by the Department of Personnel Administration.

This bill would authorize the Board of Administration of the Public Employees' Retirement System to establish deferred compensation plans for system members, require development and administrative costs to be paid by employers and members, establish the Public Employees' Deferred Compensation Fund which would be continuously appropriated to carry out the program, and prescribe fiduciary duties of officers and employees of the system respecting the program.

(4) A provision of the Public Employees' Medical and Hospital Care Act provides that state employees first hired on or after January 1, 1985, except employees of the California State University, shall not be vested for the full employer contribution payable for annuitants unless the employee has, at the time of service retirement, 10 years of credited state service.

This bill would also exempt from that section, employees of the Legislature.

Ch. 1660 (SB 2036) McCorquodale. Healing arts.

Existing law restricts or prohibits certain forms of advertising by various persons licensed pursuant to the healing arts division of the Business and Professions Code. The law provides, among other things, that any advertising by any of those licensees may include only specified statements or items and specifically authorizes a statement that a practitioner is certified by a private or public board or a statement that the practitioner limits his or her practice to specific fields.

This bill would provide that a physician and surgeon may 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 is a specific private board, a board or association with equivalent requirements approved by the physician and surgeon's licensing board, or a board or association with an approved postgraduate training program, as specified. This bill would become operative on January 1, 1993, except that certain agencies or organizations could take action contemplated by the bill on or after January 1, 1991.

Ch. 1661 (SB 2211) Rosenthal. PVEA: energy conservation.

(1) Under existing law, petroleum violation escrow funds, as defined in federal law, are disbursed to the state by the federal government and are deposited in the Federal Trust Fund in the State Treasury, a continuously appropriated fund.

This bill would, to the extent permitted by federal law, appropriate $5,000,000 of those funds to the State Energy Resources Conservation and Development Commission for energy shortage contingency planning, the commission's intervenor award program, a study of the feasibility of establishing a California strategic petroleum reserve, an energy information, education, and communications program, the purchase of communications equipment, advanced technology work on compressed natural gas and electric vehicles, the expansion of a nonpetroleum-based fueling infrastructure, assistance to highway vehicle demonstrations of alternative fuels, the development of recommendations for facilitating the commercialization of low-emission, clean fuel vehicles, and the support of the methanol flexible fuel vehicle demonstration, as prescribed, and would specify related matters.

(2) Under existing law, it is the intent of the Legislature to appropriate ½ of each future disbursement received by the state from federal oil overcharge funds in the Petroleum Violation Escrow Account for implementation of the Katz Safe School Bus Clean Fuel Efficiency Demonstration Program.

This bill would declare that federal oil overcharge funds available for appropriation during the 1990–91 fiscal year shall be appropriated in accordance with that intent.

Ch. 1662 (SB 2263) Torres. Hazardous materials: emergency response.

(1) Existing law requires that any business which handles a hazardous material, except as specified, to adopt a business plan for response to the release of hazardous materials and to annually submit an annual inventory to the local administering agency, as defined. If the administering agency determines that there is a significant likelihood that the handler's use of an acutely hazardous material may pose an acutely hazardous

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materials accident risk, after receiving an acutely hazardous material registration form, the agency is required to require the preparation and submission of a risk management and prevention program (RMPP), in accordance with a specified timetable. An employee or agent of the administering agency is authorized to inspect the premises of a business subject to these requirements, and the agency is required to inspect, at least once every 3 years, every business which is required to prepare an RMPP. An administering agency is authorized to impose a fee upon businesses, which is required to be established to cover the costs it incurs in carrying out the provisions concerning business plans and RMPPs. A business which violates these provisions is subject to a specified civil penalty, which is apportioned in a specified manner, and a knowing violation of the provisions regulating acutely hazardous materials is a crime. If the violation results in an emergency, the business is required to be assessed the cost of the emergency response of the city or county.

This bill would redefine the term "administering agency" to include a fire district designated by a city or county implementing these provisions and would redefine the term "emergency rescue personnel" to include personnel of a local EMS agency or a poison control center. The bill would limit the fee to cover the cost of implementing the provisions concerning business plans and would require the fee imposed by administering agencies to include costs incurred by fire districts in carrying out these provisions. The bill would require the administering agency to conduct inspections of every business subject to the above provisions at least once every 3 years, thereby imposing a state-mandated local program. The bill would authorize the administering agency to designate the county agricultural commissioner to conduct the inspections of agricultural handlers, as defined.

The bill would authorize an administering agency to impose an administrative civil penalty, as specified, upon a business which violates certain provisions relating to hazardous materials The bill would provide for the apportionment of the penalties collected in a specified manner. The bill would specify that the emergency response costs of the county, city, local EMS agency, poison control center, or fire district are required to be assessed. The bill would authorize an administering agency to issue a complaint, imposing administrative civil liability, on any person on which civil liability may be imposed, pursuant to a specified procedure.

The bill would delete the requirement that the administering agency make the preliminary risk determination concerning a RMPP after receiving the acutely hazardous material registration form and would require the administering agency to consult with the Department of Food and Agriculture or county agricultural commissioner if the administering agency determines that an economic poison may pose an acutely hazardous materials accident risk.

The bill would authorize the governing board of an administering agency to adopt a fee schedule to pay the costs of carrying out the provisions regulating RMPPs and would provide for an adjustment of the fee schedule, as specified. The bill would impose a state-mandated local program by creating a new crime, since a violation of the provisions regulating RMPPs is a crime pursuant to other provisions of law. The bill would make a statement of legislative intent.

(2) Existing law prohibits a local ordinance from establishing a limit on the speed of trains unless the ordinance is approved by the Public Utilities Commission.

This bill would require every railroad corporation which is involved in an accident while transporting hazardous materials to immediately report the accident in a specified manner, and to provide the emergency response agency with specified information. The bill would require every railroad corporation which transports hazardous materials to annually submit specified information to the Office of Emergency Services.

(3) The bill would incorporate changes to Section 25534 of the Health and Safety Code proposed by AB 3779, which would become operative only if both bills are enacted.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for specified

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reasons.

Ch. 1663 (AB 3744) Elder. Controlled substances: trafficking.

(1) Existing law makes it a felony, punishable by imprisonment in the state prison for 3, 5, or 7 years, for a person 18 years of age or older to engage in specified unlawful acts involving a minor with respect to specified controlled substances. Existing law provides for an additional term of imprisonment of 1, 2, or 3 years, at the court's discretion, for any person 18 years of age or over who is convicted of the above unlawful acts where the defendant is at least 4 years older than the minor.

This bill would recast this provision to provide, additionally, at the court's discretion, for any person 18 years of age or over who is convicted of the described offense involving heroin, cocaine, cocaine base, or any analog of these substances, a one-year prison enhancement where the offense occurred upon the grounds of, or within, a church or synagogue, playground, public or private youth center, or a public swimming pool, during hours in which the facility is open for classes or school-related programs or at anytime when minors are using the facility, or a 2-year prison enhancement where the offense occurred upon, or within 1,000 feet of, the grounds of any public or private elementary, vocational, junior high, or high school, during hours in which the facility is open for classes or school-related programs or at anytime when minors are using the facility. The bill would continue the 1-, 2-, or 3-year enhancement as to persons convicted of violating the above-described provisions where the defendant is at least 4 years older than the minor.

The bill would, for purposes of these enhancement provisions and for related provisions affected by the bill, provide definitions for the following terms: "playground," "youth center," "video arcade," "video game machine," and "within 1,000 feet of the grounds of any public or private elementary, vocational, junior high, or high school."

(2) Existing law makes it a felony, punishable by imprisonment in the state prison for 5, 7, or 9 years, for any person 18 years of age or older to unlawfully prepare for sale, sell, or give away any controlled substance to a minor under the age of 18 years who is at least 5 years younger than they, within or upon the grounds of a school providing instruction in kindergarten or any of grades 1 through 12, or a public playground, during specified hours.

This bill would make the above-described felony punishable, instead, by imprisonment in the state prison for 3, 6, or 9 years.

This bill would also expand application of these restrictions to churches or synagogues and would clarify application of the same to these activities occurring upon the grounds of, or within, a public playground. To the extent that the bill would change the definition and expand the scope of an existing crime, it would impose a state-mandated local program.

This bill would, however, provide that these restrictions do not apply to controlled substances described in other provisions.

(3) Existing law makes it a felony punishable by imprisonment in the state prison for 3, 5, or 7 years, for a person 18 years of age or older to engage in specified acts involving a minor with respect to specified controlled substances.

The bill would add the same enhancement scheme provided in (2) as with respect to a person who engages in these additional controlled substance offenses involving phencyclidine (PCP), methamphetamine, or any analog of these substances under the same conditions and circumstances.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1664 (AB 2645) Epple. Controlled substance offenses.

(1) Existing law makes it a felony, punishable by imprisonment in the state prison for 3, 5, or 7 years, for a person 18 years of age or older to engage in specified unlawful acts involving a minor with respect to specified controlled substances.

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This bill would increase the term of imprisonment to 3, 6, or 9 years in the state prison for this offense, as recast.

(2) Existing law provides for an additional term of imprisonment of 1, 2, or 3 years, at the court's discretion, for any person 18 years of age or over who is convicted of violating the provisions in (1) where the defendant is at least 4 years older than the minor.

This bill would recast this provision to provide, additionally, at the court's discretion, for any person 18 years of age or over who is convicted of the described offense involving heroin, cocaine, cocaine base, or any analog of these substances, a one-year prison enhancement, where the offense occurred upon the grounds of, or within, a church or synagogue, playground, public or private youth center, or a public swimming pool, under specified conditions and circumstances, or a 2-year prison enhancement where the offense occurred upon, or within 1,000 feet of, the grounds of any public or private elementary, vocational, junior high, or high school, under specified conditions and circumstances. The bill would continue the 1-, 2-, or 3-year enhancement as to persons convicted of violating the above-described provision where the defendant is at least 4 years older than the minor.

The bill would add the same enhancement scheme as with respect to a person who engages in certain additional controlled substance offenses involving phencyclidine (PCP), methamphetamine, or any analog of these substances, under the same conditions and circumstances.

The bill would, for purposes of these enhancement provisions and for related provisions affected by the bill, provide definitions for the following terms: "playground," "youth center," "video arcade," "video game machine," and "within 1,000 feet of the grounds of any public or private elementary, vocational, junior high, or high school."

(3) Existing law makes it a felony, punishable by imprisonment in the state prison for 5, 7, or 9 years, for any person to unlawfully prepare for sale upon school grounds or a public playground, or sell or give away a controlled substance to a minor under the age of 18 years, upon the grounds of, or within, any school providing instruction in kindergarten, or any grades 1 to 12, inclusive, during hours in which the school is open for classes or school-related programs, or upon the grounds of a public playground during the hours in which school-related programs for minors are being conducted provided that the application of these provisions is limited to persons at least 5 years older than the minor to whom he or she prepares for sale, sells, or gives away a controlled substance.

This bill would make the above-described felony punishable, instead, by imprisonment in the state prison for 3, 6, or 9 years.

This bill would also expand application of these restrictions to churches or synagogues and would clarify application of the same to these activities occurring upon the grounds of, or within, a public playground. To the extent that the bill would change the definition and expand the scope of an existing crime, it would impose a state-mandated local program.

The bill would, however, provide that these restrictions do not apply to controlled substances described in other provisions.

(4) Existing law makes it a felony, punishable by imprisonment in the state prison for 3, 5, or 7 years, for a person 18 years of age or older to engage in specified acts involving a minor with respect to specified controlled substances.

This bill would increase the term of imprisonment for these offenses, as revised and consolidated, to 3, 6, or 9 years in the state prison.

(5) Existing law provides that if a minor is found to be a person under the jurisdiction of the juvenile court by reason of unlawfully possessing controlled substances upon school grounds during school hours, the court shall generally require, as a condition of probation, that the person perform no less than 40 hours of community service.

This bill would include additional controlled substances offenses and include offenses involving any defined imitation controlled substance, defined toluene or toxic, or defined dangerous drug within the scope of its provisions. This bill would also extend the above provisions to apply to unlawfully possessing controlled substances upon the grounds of any playground, public or private youth center, public swimming pool, as

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specified, rather than only upon school grounds and when the described facilities are additionally open for business or at any time when minors are using the facility rather than only during hours in which the school is open for classes or school-related activities. This bill would also increase the minimum hours of community service, as defined by the bill, from 40 to not more than 100 hours, thereby imposing a state-mandated local program by expanding the scope of supervision imposed on local government.

(6) Existing law prohibits the possession of an opium pipe or other specified drug paraphernalia used for injecting or smoking specified controlled substances.

This bill would also prohibit the possession of specified drug paraphernalia used for injecting or smoking methamphetamine, thereby imposing a state-mandated local program by creating a new crime.

(7) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that for certain costs no reimbursement is required by this act for a specified reason.

However, this bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 1665 (SB 2112) Boatwright. Controlled substances: prison enhancements and forfeiture.

(1) Existing law makes it a felony, punishable by imprisonment in the state prison for 3, 5, or 7 years, for a person 18 years of age or older to engage in specified unlawful acts involving a minor with respect to specified controlled substances. Existing law provides for an additional term of imprisonment of 1, 2, or 3 years, at the court's discretion, for any person 18 years of age or over who is convicted of the above unlawful acts where the defendant is at least 4 years older than the minor.

This bill would recast this provision to provide, additionally, at the court's discretion, for any person 18 years of age or over who is convicted of the described offense involving heroin, cocaine, cocaine base, or any analog of these substances, a one-year prison enhancement, where the offense occurred upon the grounds of, or within, a church or synagogue, playground, 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 where the offense occurs or a 2-year prison enhancement where the offense occurred upon, or within 1,000 feet of, the grounds of any public or private elementary, vocational, junior high, or high school, during hours in which the facility is open for classes or school-related programs or at any time when minors are using the facility where the offense occurs. The bill would continue the 1-, 2-, or 3-year enhancement as to persons convicted of violating the above-described provision where the defendant is at least 4 years older than the minor.

The bill would also provide that these provisions do not require either that notice be posted regarding the proscribed conduct or that the applicable 1,000 foot boundary limit be marked.

The bill would, for purposes of these enhancement provisions and for related provisions affected by the bill, provide definitions for the following terms: "playground," "youth center," "video arcade," "video game machine," and "within 1,000 feet of the grounds of any public or private elementary, vocational, junior high or high school."

The bill would also add the same enhancement scheme as with respect to a person who engages in certain additional controlled substance offenses involving phencyclidine (PCP), methamphetamine, or any analog of these substances, under the same conditions and circumstances.

(2) Existing law makes it a felony, punishable by imprisonment in the state prison for 5, 7, or 9 years, for any person to unlawfully prepare for sale upon school grounds or a public playground, or sell or give away a controlled substance to a minor under the age of 18 years, upon the grounds of, or within, any school providing instruction in kindergarten, or any grades 1 to 12, inclusive, during hours in which the school is open for classes

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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, provided that the application of these provisions is limited to persons at least 5 years older than the minor to whom he or she prepares for sale, sells, or gives away a controlled substance.

This bill would also expand application of these restrictions to churches or synagogues and would clarify application of the same to these activities occurring upon the grounds of, or within, a public playground when minors are using the facility where the offense occurs. To the extent that the bill would change the definition and expand the scope of an existing crime, it would impose a state-mandated local program.

The bill would, however, provide that these restrictions do not apply to controlled substances described in other provisions.

(3) Existing law makes it a felony punishable by imprisonment in the state prison for 3, 6, or 9 years for any person to unlawfully prepare for sale and to sell to minors controlled substances in public parks, including units of the state park system and state vehicular recreation areas, as specified.

This bill would clarify that this specific provision does not apply to playgrounds situated in public parks and governed by related provisions.

(4) Existing law makes it a felony, punishable by imprisonment in the state prison for 3, 5, or 7 years, for a person 18 years of age or older to engage in specified acts involving a minor with respect to specified controlled substances.

This bill would delete and add additional offenses, as specified, to these provisions.

(5) This bill would incorporate additional changes in Section 11380 of the Health and Safety Code proposed by AB 2645, if this bill and AB 2645 are chaptered and this bill is chaptered last.

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason

Ch. 1666 (AB 3949) Lempert. Child abuse: investigations. [37]

Existing law provides for various programs and services in the investigation of child abuse cases.

This bill would require the State Department of Social Services to 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, according to specified criteria. These provisions would be repealed on January 1, 1992. It would appropriate $64,000 from the General Fund to the department for the purposes of this bill for the 1990–91 fiscal year.

Ch. 1667 (SB 1033) B. Greene. Displaced workers.

(1) Existing federal law, the Job Training Partnership Act, imposes various requirements on states to provide local employment and training services for economically disadvantaged individuals and displaced workers under a state plan developed by the State Job Training Coordinating Council as a condition of receipt of federal funds.

This bill, among other things, would make various revisions and conforming changes to the state plan to reflect recent alterations made to the Job Training Partnership Act. These changes include establishing a new State Dislocated Workers Unit within the Employment Development Department in order to provide on-site response to closures and layoffs, adding displaced homemakers and persons who are self-employed but who are unemployed as a result of general economic conditions in their communities or natural disasters to the categories of dislocated workers, and requiring the department to monitor the participation of service delivery areas in a statewide management information and fiscal accounting system.

(2) Existing law provides for the California Economic Adjustment Team within the Department of Commerce which is required to integrate the activities of its member entities through a state one-stop Displaced Worker Assistance Center with specified

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duties and responsibilities.

This bill, instead, would create the Economic Adjustment Unit within the department and would require the unit to integrate its activities with the State Dislocated Worker Unit in the Employment Development Department, and would delete the duties and responsibilities of the center.

(3) Existing law requires the Employment Development Department to issue an annual report to the Governor and the Legislature providing an evaluation of the Work Incentive Program, the Employment Preparation Program, the Supported Work Program, the California Welfare Skills Training Act, the Regional Employment Assessment, Job Search Assistance, and the Placement Services for Displaced Workers Act, among others.

This bill would delete the requirement for the department to issue the annual report providing these evaluations.

(4) Existing law provides that employment and training programs and services, for purposes of provisions relating to California employment and training planning, means all programs and services provided to increase employment or provide job search assistance or training to unemployed or underemployed persons, including, but not limited to, specified programs.

This bill would revise the list of specified employment and training programs included within that definition.

(5) Existing law requires the State Job Training Coordinating Council to prepare a coordination and special services plan relating to the employment and training and vocational education needs of employees and of unemployed and underemployed persons, and requires that the plan include specified items.

This bill would also require the plan to include a dislocated workers assistance plan to provide services to eligible workers pursuant to specified provisions, and would require the displaced workers assistance plan to include specified items.

(6) Existing law requires private industry councils established in each service delivery area under the federal Job Training Partnership Act to prepare an employment and training plan for displaced workers, including specified items.

This bill would revise the items which are to be included in the employment and training plan for dislocated workers prepared by the private industry councils. This bill would also require the Employment Development Department, in cooperation with the State Department of Social Services, to annually report to the Legislature on the effectiveness of dislocated worker assistance programs, as specified.

(7) Existing law requires the State Occupational Information Coordinating Committee, composed of specified members, to develop and annually update a plan for the use of available resources to design and implement a statewide comprehensive labor market and occupational supply and demand information system.

This bill would revise the composition of the committee, change the name of the committee to the California Occupational Information Coordinating Committee, and would require the committee to revise, rather than update, the above plan.

(8) Existing law requires a school or community college district or districts, county superintendent or superintendents, the governing board of any high school district or unified school district, and the governing board of a community college district, to utilize the California Occupational Information System when conducting a job market study prior to the establishment of vocational or occupational training programs.

This bill would instead require these entities to utilize the State-Local Cooperative Labor Market Information Program, developed by the California Occupational Information Coordinating Committee, when conducting these studies.

This bill would also require the Employment Development Department, with the advice of the California Occupational Information Coordinating Committee, to operate the State-Local Cooperative Labor Market Information Program to be a primary source of labor market information accessible throughout the state. It would require that the costs of this program be funded through money appropriated in the annual Budget Act and from money in the Employment Training Fund, thereby making an appropriation.

(9) Existing law requires the State Job Training Coordinating Council to meet at such

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times and in such places as it deems necessary.

This bill would prohibit the council from permitting absentee or proxy voting at any of its proceedings.

(10) Existing law specifies what funds are considered state matching funds for purposes of matching federal funds under the federal Job Training Partnership Act.

This bill would instead provide that funds allocated to the state under specified provisions of the federal Job Training Partnership Act 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, including specified data.

(11) This bill would make various related changes, and would state the intent of the Legislature.

(12) This bill would incorporate additional changes in Section 1611 of the Unemployment Insurance Code, proposed by AB 2694, to be operative only if AB 2694 and this bill are both chaptered and become effective January 1, 1991, and this bill is chaptered last.

Ch. 1668 (AB 2694) Johnston. Employment training.

(1) Existing law provides that, until January 1, 1996, the Employment Training Fund shall be expended as allocated by the Employment Training Panel for specified purposes. Existing law also requires each employer, with specified exceptions, to pay a specified contribution into the Employment Training Fund until January 1, 1996.

This bill would change the repeal date of the provisions establishing the Employment Training Fund, and the provisions requiring employers to make contributions to this fund from January 1, 1996, to January 1, 1994.

(2) Existing law provides that if, at any time during the fiscal year the contributions made by employers to the Employment Training Fund exceed $55,000,000, the excess shall be transferred to the Unemployment Fund.

This bill would delete that provision. It would instead, commencing with the 1991–92 fiscal year, authorize the interest on the fund to be used to fund activities of the Employment Development Department Service Center Program, and up to 50% of the State-Local Market Information Program, with any unexpended interest to be available to the panel for employment training purposes, thereby making an appropriation.

(3) Existing law defines "employer" for purposes of provisions relating to the Employment Training Panel to mean any employer subject to unemployment compensation provisions, except any public entity. Existing law further provides that any specified nonprofit organization that does not make contributions to the Employment Training Fund shall be deemed to be an employer only for purposes of placement of new hire trainees trained in accordance with certain provisions.

This bill would instead define "employer" to mean any employer subject to unemployment compensation provisions, except any public entity, or any nonprofit organization which has elected an alternate method of financing its liability for unemployment insurance compensation benefits. These entities would 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.

(4) Existing law requires the Employment Training Panel to adopt regulations and procedures providing reasonable confidentiality for certain proprietary information provided to it with respect to trainees.

This bill would, instead, require the adopting of the regulations for proprietary information provided by employers seeking funds if disclosure of the information would result in an unfair competitive disadvantage to such an employer, and would require disclosure of information regarding the panel which would otherwise be subject to disclosure under the California Public Records Act.

(5) Existing law requires the Employment Training Panel to perform various functions and duties, including allocating the Employment Training Fund, with respect to implementing job training for eligible participants. One of the criterion for being considered an "eligible participant" is that the person be unemployed and receiving unemployment insurance benefits.

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This bill would instead provide that the individual have established an unemployment insurance claim. It would also revise one of the methods used by the panel when allocating funds for reimbursement of training and administrative costs incurred by contractors.

(6) Existing law permits the panel, for new hire training contracts, to develop a system of new hire cost reimbursements for each new hire trainee who successfully completes both the training and the job placement requirements of the contract.

This bill would instead require the panel to develop a prescribed new hire cost reimbursement system.

(7) Existing law provides that, commencing January 1, 1990, members of the Employment Training Panel shall serve 4-year terms, except that one of the members appointed by each appointing authority shall serve for a 2-year term.

This bill would change the term of office for members of the panel from 4-year terms to 2-year terms, and would change the term of office of the members appointed by each appointing authority from 2-year terms to one-year terms.

(8) Chapter 926 of the Statutes of 1989 imposed various requirements on the panel with regard to improving the effectiveness of the panel and its programs.

This bill would require the panel to 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.

(9) This bill would require $2,500,000 to be transferred from the Employment Training Fund to the Department of Industrial Relations, on or before February 1, 1991, for the support of the Division of Apprenticeship Standards, thereby making an appropriation

(10) This bill would declare that it is to take effect immediately as an urgency statute.

Ch 1669 (SB 1942) Lockyer. Claims against the state· earthquake disaster relief.

Existing law provides a procedure by which any person may file an application with the State Board of Control for compensation, including emergency payments, based on personal property loss, personal injury, or death, including noneconomic loss, arising from the collapse of the San Francisco-Oakland Bay Bridge or the I-880 Cypress structure caused by the October 17, 1989, earthquake. Existing law creates in the State Treasury the San Francisco-Oakland Bay Bridge and I-880 Cypress Structure Disaster Fund for the purpose of paying personal property loss, personal injury, and death claims against the state, arising from this natural disaster. Moneys in the fund are continuously appropriated to the Department of Finance without regard to fiscal years for the purpose of paying these awards.

This bill would transfer $80,000,000 from the Special Fund for Economic Uncertainties to the San Francisco-Oakland Bay Bridge and I-880 Cypress Structure Disaster Fund.

Since the San Franciso-Oakland Bay Bridge and I-880 Cypress Structure Disaster Fund is a continuously appropriated fund, the bill would constitute an appropriation.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1670 (SB 2139) Davis. Vehicle theft: deterrence, investigation and prosecution: fees.

Existing law requires the payment of specified taxes and fees in connection with the registration and renewal of registration of motor vehicles.

This bill would authorize, until January 1, 1996, a county board of supervisors to impose a $1 vehicle registration fee to be paid to the Department of Motor Vehicles at the time of registration or renewal of registration of vehicles in the county, and would require the proceeds of those fees, after deducting the department's administrative costs, to be paid to the Controller. The bill would continuously appropriate the money paid to the Controller for administrative costs and for allocation to the counties for which the fees were collected, to be expended to fund eligible programs, as specified, which enhance the capacity of local police and prosecutors to deter, investigate, and prosecute vehicle theft crimes. Money which is not expended by January 1, 1996, would be required to be returned to the Controller for deposit in the Motor Vehicle Account in the State Transportation Fund The bill would prohibit the fee revenues from being expended to offset

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reductions in other sources of funds.

Ch. 1671 (SB 2301) Keene. Salmon and steelhead trout.

(1) The existing Salmon, Steelhead Trout, and Anadromous Fisheries Program Act contains various legislative findings and declarations pertaining to fish and wildlife resources.

This bill would make further findings and declarations relating to salmon and steelhead trout and habitat for those fish.

(2) Existing law appropriates the funds in the Fisheries Restoration Account in the Fish and Game Preservation Fund to the Department of Fish and Game for expenditure during fiscal years 1986–87 to 1990–91, inclusive, for restoration of fishery resources and habitat which were damaged by past water diversions and projects and other development activities.

This bill would authorize the expenditure of the funds during fiscal years 1991–92 to 1993–94, inclusive, thereby making an appropriation. The bill would also authorize the expenditure of those funds for projects designated in the plan developed by the department in accordance with the Salmon, Steelhead Trout, and Anadromous Fisheries Program Act, to acquire heavy equipment to improve salmon and steelhead spawning habitat, and to complete watershed assessments and fisheries restoration planning in coastal waterways.

Ch. 1672 (AB 3008) Eastin. Barbering and cosmetology.

Existing law provides for the regulation and licensure of barbers by the Board of Barber Examiners and the regulation and licensure of cosmetologists by the Board of Cosmetology, as specified.

This bill would repeal those provisions and create the Board of Barbering and Cosmetology, as specified.

This bill would generally revise, recast, and consolidate the 2 acts presently governing the practice of barbering and cosmetology, would provide for the licensing and regulation of persons engaged in the practice of performing specified acts relating to barbering, cosmetology, and electrolysis, and would provide that persons licensed as barbers and cosmetologists would be licensed pursuant to the act.

The bill would create the Board of Barbering and Cosmetology Contingent Fund and would transfer the money in the Board of Barber Examiners' Fund and the Board of Cosmetology Contingent Fund into that fund. The bill would provide that the money in the fund shall be available for expenditure only when appropriated to the board in the annual Budget Act

This bill would create new crimes and expand existing crimes and thus would impose a state-mandated local program by revising the penalties of a crime.

The bill would provide that certain provisions of the bill, including the repeal of existing law and the provisions combining the 2 boards and laws regulating the professions regulated by the boards shall become operative on July 1, 1992.

The bill would require the board and the Department of Consumer Affairs to assess the results of merging the 2 boards and to report to the Legislature on or before June 30, 1995.

The bill also would require the Department of Consumer Affairs to 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, as specified.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1673 (AB 1108) Epple. Barbers.

Existing law establishes the maximum fees which may be fixed by the Board of Barber Examiners and establishes limits for any raise for any one category of fees imposed by

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the board within those maximum fees.

This bill would delete the limits in the increase for any one category of fees until January 1, 1994, and would increase the maximum fees for licenses issued by the board, to be operative on January 1, 1992. The bill also would provide for the forfeiture of an examination fee where the applicant fails to appear for the examination without good cause rather than payment of a penalty fee as is provided by existing law.

Existing law provides that certificates to operate a barber college or a facility at which barbering is taught expire at 12 midnight on September 30 of each year, and that all other certificates relating to the practice of barbering expire on September 30 of each odd-numbered year.

This bill would provide, instead, that certificates to operate a barbershop, barber college, or facility at which barbering is taught expire at 12 midnight on September 30 of each year, and that all other certificates relating to the practice of barbering shall expire biennially and on and after October 1, 1991, shall be renewed cyclically. The bill would make conforming changes. The bill would also require the board to report to certain legislative committees on fee increases, as specified.

Existing provisions of the Business and Professions Code continuously appropriate the moneys in the State Board of Barber Examiners' Fund. Because this bill would increase the amount of moneys in the fund, it would constitute an appropriation.

Ch. 1674 (AB 2925) Mojonnier. Cosmetology.

Existing law does not require a course on hazardous substances be taught in licensed cosmetology schools.

This bill would require the State Board of Cosmetology to develop a health and safety course on hazardous substances to be taught in schools offering vocational training in cosmetology or any of its branches

Existing law requires cosmetology instructors to complete continuing education requirements as a condition for the renewal of their licenses.

This bill would provide that the failure of an instructor to provide proof of compliance with that requirement within 45 days of a request by the State Board of Cosmetology shall result in the automatic conversion of the license to inactive status until proof of compliance is provided.

Existing law provides for the licensing and regulation of schools of cosmetology and electrology by the State Board of Cosmetology.

This bill would repeal those provisions, and, instead, would require training to be in specified licensed or public schools, would require the board to determine required courses, and would impose related requirements. The bill would repeal these requirements on January 1, 1996. Specified provisions of the bill would not become effective if SB 1992 is enacted.

The bill would also transfer jurisdiction for disciplinary action from the board to the Council for Private Postsecondary and Vocational Education, as specified.

Ch. 1675 (SB 1992) Maddy. Cosmetology.

Existing law specifies the fees relating to licenses issued pursuant to the Cosmetology Act.

This bill would increase the fees for licensees of that act.

The bill would require the Board of Cosmetology to report to the appropriate policy and fiscal committees of each house of the Legislature whenever it increases any fee pursuant to that fee provision, with a rationale and justification for the increase.

Existing provisions of the Business and Professions Code continuously appropriate the moneys in the Board of Cosmetology's Contingent Fund. Because this bill would increase the amount of moneys in the fund, it would constitute an appropriation.

Ch. 1676 (SB 2484) Dills. Public employees' health plan coverage: municipal and justice court judges.

(1) Existing court law provides that the board of supervisors of an option county under the Brown-Presley Trial Court Funding Act may, at county cost, provide municipal court judges serving in any municipal court in the county with retiree health benefits

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substantially equal to the retiree health benefits provided to superior court judges.

This bill would make that law also applicable to justice court judges and to retired municipal court judges and retired justice court judges.

(2) The existing Public Employees' Medical and Hospital Care Act (the act) provides health benefits plan coverage to public employees, family members, and annuitants of the state and contracting agencies. A provision of the act authorizes municipal court judges to elect to enroll in a health benefits plan under the act within 90 days of first assuming office, by paying all the related costs and administrative expenses less any amount paid by the county. The state is not required to make any related contributions for active or retired municipal court judges, except for municipal court judges serving on senior judge status. The county is not required to contribute for a judge after retirement unless the health benefits plan provided for county employees provides that coverage.

This bill would make that provision also applicable to justice court judges.

(3) This bill would add to the act provisions which provide that the Board of Administration of PERS shall, when a county, pursuant to item (1) above, elects to provide health benefits to judges retired from municipal or justice courts, administer any continuation of health coverage pursuant to item (2) above and would make related changes in the act

Ch 1677 (SB 2463) C. Green. Public employees' health benefits.

The existing Public Employees' Medical and Hospital Care Act requires that the act be administered by the Board of Administration of PERS for the benefit of public employees and annuitants.

This bill would require the board to contract with one or more carriers or plans in order that state annuitants may have vision care comparable to that provided state employees under plans contracted for by the Department of Personnel Administration.

This bill would establish the State Annuitants' Vision Care Benefits Fund which, upon appropriation by the Legislature, would be available solely for expenditure to carry out the purposes of this item.

This bill would become operative on August 1, 1991, if funds are appropriated therefor in the 1991-92 Budget Act.

Ch. 1678 (AB 4209) Allen. Pest control and eradication: pesticides: aerial application.

(1) Existing law provides for the eradication of pests by the use of various prescribed methods, including the use of economic poisons. Existing law requires the Director of Food and Agriculture or a county agricultural commissioner to notify residents and physicians, as prescribed, prior to the aerial application of an economic poison pursuant to a pest eradication program.

This bill would, in addition, require the director to so notify local broadcast and print media, and to notify cities and counties in the affected area of the possibility of an aerial application of an economic poison in a pest eradication program over an urban area.

(2) Existing law requires that, if the date of an application of economic poison is changed, the required notice be redistributed and contain the revised information, except if the change in the date of application is due to the weather or an emergency. Existing law requires the director to transmit the revised information to the local broadcast media.

This bill would delete those exceptions as to the weather and an emergency. The bill would, in addition, require the director to transmit the revised information to the local print media and would prohibit the application of economic poison within 96 hours from the date of that change.

(3) Existing law requires that any notice under these provisions be in both English and Spanish in cases in which over 5% of the persons receiving the notice are Spanish speaking.

This bill would revise this provision by requiring that the notice be given in both English and any other language if over 5% of the persons in the area receiving that notice speak only that other language.

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(4) Under existing law, the State Department of Health Services, upon the request of the State Air Resources Board, is required to evaluate the health effects of, and prepare recommendations regarding, substances which may be or are emitted into the ambient air of this state which may be determined to be toxic air contaminants.

This bill would require the state department to conduct an epidemiological study of possible long-term health effects related to the aerial application of pesticides in urban areas, including cancer, birth defects, and respiratory illnesses, as prescribed. The bill would require 1% of the funds received annually from the levy of the assessment on registrants of economic poisons during the 1991–92 to 2000–2001 fiscal years, inclusive, to be transferred to the state department for that purpose.

Ch. 1679 (AB 2419) O'Connell. Economic poisons: assessment.

Existing law requires each registrant of an economic poison to pay to the Director of Food and Agriculture an assessment of nine mills per dollar of sales for all sales of registered and labeled economic poisons for use in this state. Existing law requires the director to pay ⅝ of the funds received pursuant to that assessment to the counties as reimbursement for costs incurred by the counties in the administration and enforcement of specified provisions of law relating to pest control, economic poisons, restricted materials, and environmentally harmful material.

This bill would increase the assessment from July 1, 1990, to June 30, 1992, inclusive, to 18 mills per dollar of sales and would require the director to pay 31.25% of the funds received pursuant to that assessment to the counties. Commencing July 1, 1992, the assessment and amount distributed to counties would revert to amounts that are the same as is provided in existing law.

The bill would also require the director to conduct a study of specified matters, and to submit a report of his or her conclusions on these matters to various committees of the Legislature on or before July 1, 1991.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1680 (AB 1311) Filante. Health insurance: special footwear.

Existing law requires group disability insurance, nonprofit hospital service plans providing group coverage, and group health care service plans to offer coverage for orthotic and prosthetic devices.

This bill would require policies of expense incurred hospital, medical, or surgical insurance, nonprofit hospital service plans, and health care service plans, entered into on a group basis, to offer coverage as an option, with respect to foot disfigurement, for special footwear, under such terms and conditions as may be agreed upon between the group contract holder and the insurer or plan, as specified.

Ch. 1681 (AB 3727) Costa. Fish and game licenses: license agents: budget augmentation and loan.

(1) Existing law permits the Department of Fish and Game to authorize persons, except as specified, to be license agents to issue punch cards, licenses, license stamps, and license tags. Under existing law, a license agent is required to add a handling charge of 50¢ to certain specified fees which are prescribed by the Fish and Game Code, or the regulations adopted pursuant thereto, for those cards, licenses, stamps, and tags.

This bill would require the handling charge to be in the amount of 5% of the face value of the item rounded to the nearest 5¢. The bill would make conforming changes.

The bill would also authorize the department to accept a credit card charge as a method of payment of fees for specified licenses and other authorizations issued by the department and would exempt those credit transactions from existing prohibitions on surcharges on a cardholder for the use of a credit card.

(2) Existing law continuously appropriates the money in the Fish and Game Preservation Fund to the department to carry out its duties under the Fish and Game Code.

Because this bill would increase revenues to the fund, it would make an appropriation.

(3) The bill would appropriate $3,556,000 from the Environmental License Plate Fund and $3,000,000 from the Off-Highway Vehicle Fund as loans to the Fish and Game Preservation Fund, to be repaid, as specified.

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(4) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1682 (AB 3841) Chandler. Flood control: special districts.

(1) Under existing law, the Knights Landing Ridge Drainage District and the Sacramento River West Side Levee District are each governed by 5 commissioners elected by landowners in accordance with special provisions. Each district is authorized to levy assessments in accordance with prescribed procedures.

This bill would delete the special election and special assessment provisions for those districts and would provide for elections to be held at the time and in the manner prescribed for reclamation districts and for assessments to be levied and collected in the manner prescribed for reclamation districts. The bill would impose a state-mandated local program by imposing certain duties on local officials in connection with district elections and assessments.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1683 (AB 3916) Lempert. Small claims court: monetary jurisdiction.

(1) Under existing law, the monetary jurisdiction of small claims courts is $2,000 and, effective January 1, 1991, $2,500, except as specified.

This bill would raise the monetary jurisdiction of small claims court to $5,000, except as specified. The bill would also prohibit a person from filing more than 2 small claims actions in excess of $2,500 in any calendar year, as specified.

(2) Under existing law, no person other than the plaintiff and the defendant may take any part in the filing, prosecution, or defense of litigation in small claims court.

This bill would provide that the provisions regulating small claims courts do not 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, or prevent those individuals from testifying to facts of which they have personal knowledge and about which they are competent to testify.

(3) Existing law permits a defendant to appeal the judgment of a small claims court to the superior court.

This bill would provide that 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 $2,500 and the insurer stipulates that its policy with the defendant covers the matter to which the judgment applies.

(4) Existing law provides that 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, $250.

This bill would increase the maximum award of attorney's fees to $1,000.

(5) Existing law specifies the duties of the Judicial Council.

The bill would specify additional duties of the Judicial Council with regard to a small claims reporting system.

(6) The bill would also incorporate additional changes proposed by SB 2627, contingent upon prior enactment of that bill.

Ch. 1684 (AB 4114) Clute. Motor vehicles: abandonment.

Existing law imposed a $1 vehicle registration fee for deposit in the Abandoned Vehicle Trust Fund which is continuously appropriated for costs of the Controller, Department of the California Highway Patrol, and specified local abandoned vehicle nuisance abatement programs.

This bill would delete those provisions and would provide for the establishment and termination of service authorities for the abatement of abandoned vehicles and funding of local abandoned vehicle abatement programs, as specified. The bill would authorize a service authority, for a specified period, to impose a fee of $1 on vehicles registered

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in the county which established the service authority. Those fees would be deposited in the Abandoned Vehicle Trust Fund which this bill would create and would be continuously appropriated for allocation by the Controller to fund local vehicle abatement programs after deduction of certain administrative costs.

Ch. 1685 (AB 2568) Moore. Carriers: transportation of food products.

(1) Under existing law, the Public Utilities Commission regulates the operation of common carriers under the Public Utilities Act, and highway carriers under the Highway Carriers' Act, through the issuance of permits.

This bill would prohibit the commission from issuing or authorizing the transfer of a permit to operate as a livestock carrier, agricultural carrier, tank truck carrier, or vacuum truck carrier except upon a showing before the commission, and a finding by the commission, that the applicant or proposed transferee meets specified requirements. The bill would also require every livestock carrier, agricultural carrier, tank truck carrier, and vacuum truck carrier to annually furnish the commission with a list of all vehicles used in transportation for compensation during the preceding year. The bill would permit the commission to suspend the carrier's permit or impose a fine if the carrier's insurer informs the commission that the carrier has failed to obtain insurance coverage for any vehicle on the list.

(2) Existing law regulates food sanitation, but does not prohibit vehicles used to transport food from transporting nonfood products, including hazardous waste.

This bill would prohibit highway common carriers, highway permit carriers, livestock carriers, agricultural carriers, tank truck carriers, and vacuum truck carriers from using certain vehicles to transport food products for human consumption if the vehicles have been used to transport specified nonfood products. The bill would provide that a violation of its provisions by these carriers is grounds for the suspension or revocation of the carrier's permit. The bill would also prohibit any person or any motor transportation broker from using or arranging for the use of a specified vehicle to transport food products in violation of its provisions. However, the bill would permit a person or corporation charged with a violation of these provisions to avoid liability upon a showing by clear and convincing evidence that the alleged violation did not in fact endanger the public health, due to the protective or remedial actions taken by the person or corporation charged.

(3) Under existing law, violations of the Public Utilities Act and the Highway Carriers' Act are crimes. Because a violation of the provisions of this bill would be a crime, this bill would impose a state-mandated local program by creating a new crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1686 (AB 2834) Quackenbush. Hazardous waste.

(1) Existing law requires the State Department of Health Services to 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. Existing law requires the department to apply the standards and regulations to the use and operation of hazardous waste management facilities and authorizes the department to adopt additional standards and regulations to prohibit against specified hazards. Existing law requires these standards and regulations to be enforced by the department, any local health officer, or any designated local public officer.

This bill would, instead, require the department, any local health officer, or any designated local public officer to enforce the standards in the hazardous waste control laws and the regulations adopted to implement those laws. The bill would require the department to apply the standards and regulations to the management of hazardous waste and would delete the reference to the department's authorization to adopt additional standards and regulations.

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(2) Existing law prohibits, except as specified, any person from discharging hazardous waste into land treatment units that have not been equipped with liners and specified systems. The department is authorized to grant a variance from some or all of these requirements for specified land treatment units, if the owner or operator makes a prescribed demonstration and the department makes specified findings. Existing law defines "pollution" for purposes of regulating land treatment units.

This bill would revise the demonstration and findings required to be made for purposes of that variance. The bill would delete the definition of pollution.

(3) Existing law subjects recyclable materials to the requirements of hazardous waste control laws, unless the department issues a variance or except as otherwise provided, including when the material is recycled by a specified method or the material is a hazardous waste regulated in the state other than hazardous waste identified pursuant to the federal Resource Conservation and Recovery Act of 1976, as amended (RCRA), if the material meets specified requirements. Existing law provides that prescribed recyclable materials are hazardous waste and subject to regulation under the hazardous waste control laws, even if the recycling meets specified requirements. Existing law requires any person subject to an enforcement action by the department who claims that a certain recyclable material is not a waste or is excluded from regulation under the hazardous waste control laws to make a specified demonstration.

This bill would, instead, exclude from classification as a waste recyclable material which is or will be recycled by a specified method and recyclable material which meets the definition of a non-RCRA hazardous waste and which meets or will meet certain requirements if the material is managed in accordance with additional specified requirements, thereby imposing a state-mandated local program by creating new crimes. The bill would revise the requirements which a recyclable material which meets the definition of a non-RCRA hazardous waste is required to meet for exclusion from classification as a waste. The bill would revise the list of recyclable materials which are hazardous wastes and subject to regulation even if the recycling meets specified requirements.

The bill would delete the requirement relating to the demonstration which any person subject to an enforcement action who claims that a recyclable material is not a waste or is excluded from regulation is required to make and would, instead, require any person who manages a recyclable material under a claim that the material qualifies for a specified exemption or exclusion, to provide specified information, as prescribed, and to maintain adequate records, as specified, thereby imposing a state-mandated local program by creating new crimes.

(4) Existing law requires any person generating or managing hazardous waste to comply with a specified requirement of RCRA.

This bill would, instead, require any person generating or managing a RCRA hazardous waste to comply with that requirement.

(5) Existing law provides that specified requirements apply to the construction, operation, maintenance, monitoring, and testing of underground storage tanks which are required to obtain hazardous waste facilities permits from the department. The department is required to adopt regulations by a specified date to implement these requirements. If the regulations are not adopted by the specified date, other prescribed regulations adopted by the State Water Resources Control Board are deemed to be the regulations of the department.

This bill would make technical corrections relating to these provisions.

(6) Existing law defines "hazardous waste facility" or "facility" as including 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.

This bill would limit the application of that definition to hazardous waste facility.

(7) Existing law defines "restricted hazardous waste" to mean hazardous waste designated as a restricted hazardous waste by the department based upon specified characteristics or hazardous waste which contains specified substances.

This bill would instead define restricted hazardous waste to include both hazardous waste subject to specified land disposal restrictions under the Hazardous Waste Manage-

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ment Act of 1986 and hazardous waste which contains specified substances.

(8) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for specified reasons.

Ch. 1687 (AB 2852) Farr. Economic development and trade.

Existing law does not provide for a Global Applied Technology Extension Service.

This bill would, until January 1, 1996, create the Global Applied Technology Extension Service in the California State World Trade Commission. The service would be headed by a manager or director designated by, and reporting to, the Executive Director of the California State World Trade Commission and would be required to perform specific duties relating to trade and information, as specified. The service would be required to consult with specified state agencies to implement the bill. The service would also be required to work with additional specified state and federal agencies, state universities and colleges, and other organizations to develop a specified data base and network.

The bill would state that any costs incurred in carrying out the bill shall be met within the existing budget of the commission.

Ch. 1688 (AB 3010) Speier. Alcohol and drug abuse: pregnant and postpartum women.

(1) Existing law requires the State Department of Alcohol and Drug Programs, among other things, to develop and implement a statewide plan to alleviate problems related to inappropriate alcohol use, to overcome the barriers to their solution, and to develop and implement a statewide plan to alleviate problems related to inappropriate drug use and to overcome barriers to their solution. The department is required to revise these plans annually.

This bill would establish the Office of Perinatal Substance Abuse within the department. The office would be authorized to perform certain general tasks relating to perinatal substance abuse and would be required to adopt regulations to implement the bill.

The bill would require the Health and Welfare Agency to create an interagency task force, to be 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 Department of Housing and Community Development, the office of the Attorney General, the State Department of Education, and the State Department of Mental Health would be authorized to participate with the interagency task force when necessary to implement a coordinated state strategy, as specified.

The office would be required to provide the leadership for the interagency task force, and would be authorized to reimburse specified other departments for their costs associated with the interagency task force activities. The office, in consultation with the interagency task force, would be required to develop a coordinated state strategy for addressing the treatment needs of pregnant women, postpartum women, and their children for alcohol or drug abuse.

(2) Existing law authorizes the board of supervisors of a county to apply to the State Department of Alcohol and Drug Programs for funds for the purpose of alleviating problems in its county related to the inappropriate use of alcoholic beverages. In the case of a county electing to apply for funds, existing law requires the board of supervisors to designate a health-related county agency or department to administer the county alcohol program and requires the county alcohol administrator to develop a county alcohol program plan. Existing law also requires the department to allocate state and federal funds to counties to implement approved county alcohol program plans.

Existing law authorizes the board of supervisors of a county to apply to the State Department of Alcohol and Drug Programs for funds for the purpose of alleviating problems in its county related to drug abuse. In the case of a county electing to apply for funds, existing law requires the board of supervisors to develop a county drug program plan and to designate a qualified professional who has the ability, training, or

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experience to administer or coordinate and monitor the county drug program as the drug program administrator. Existing law also requires the department to allocate state and federal funds to counties to implement approved county drug program plans.

Existing law additionally authorizes the Director of Alcohol and Drug Programs to establish a demonstration program with specified counties to develop and operate their alcohol and drug abuse programs as one coordinated program in each county if the board of supervisors of the respective county adopts a resolution consenting to the establishment of the demonstration program.

This bill would require funds distributed for the expansion of the Services for Alcohol and Drug Abusing Pregnant and Parenting Women and Their Infants pilot project, made available through the budget process, to 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, as specified. This bill would authorize the office, in selecting counties to receive funds, to include in its criteria 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.

This bill would authorize the alcohol and drug programs funded to provide treatment for alcohol abuse only, drug abuse only, or both alcohol and drug abuse. This bill would require any county that elects to apply to the office for funds under this act to establish a perinatal coordinating council, to be composed as specified. The county board of supervisors would be required to select an agency or department of the county to be the lead agency to coordinate the alcohol and drug abuse program and would specify specific elements to be included in the coordination effort.

(3) This bill would make findings and declarations by the Legislature related to the above and would provide that this act shall be known and may be cited as the Alcohol and Drug Affected Mothers and Infants Act of 1990.

(4) This bill would require the office, in consultation with the interagency task force, to evaluate the effectiveness of the Services for Alcohol and Drug Abusing Pregnant and Parenting Women and Their Infants pilot project and to report its findings to the Legislature no later than June 30, 1994.

(5) This bill would provide that its provisions only apply to the expansion of the Services for Alcohol and Drug Abusing Pregnant and Parenting Women and Their Infants pilot project, as specified in the Budget Act of 1990.

(6) This bill would authorize the Health and Welfare Agency to transfer, on June 1, 1994, the powers and duties of the Office of Perinatal Substance Abuse from the department to another state department.

(7) This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1689 (AB 3183) Bader. Mobilehome sales real estate brokers.

Existing law authorizes a person licensed as a real estate broker to 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 the Mobilehomes-Manufactured Housing Act of 1980 for at least one year.

This bill would delete the requirement that the mobilehome be registered under the Mobilehomes-Manufactured Housing Act of 1980 for at least one year.

This bill would also provide that the above provision and other related provisions dealing with selling mobilehomes do not increase or decrease, or in any way preempt, specified consumer notice requirements.

Ch. 1690 (AB 376) Klehs. Weapons: machineguns and multiburst trigger activators.

(1) Under existing law, except as provided, it is a felony for any person in this state to manufacture or cause to be manufactured, import into the state, keep for sale, or offer or expose for sale, or give, lend, or possess certain listed weapons, ammunition, and devices. Existing law also provides that items included in the listing are nuisances and,

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depending on the particular item, shall be sold or destroyed by law enforcement officials.

This bill, with limited exceptions, would include a "multiburst trigger activator," as defined, in the above list of prohibited items, thus creating a state-mandated local program by expanding the scope of an existing crime and by including an additional specific item which local law enforcement officials would be required to dispose of under an existing program.

The possession of "multiburst trigger activators" by certain persons, however, would not be prohibited until January 1, 1992.

(2) Existing law provides, with regard to certain weapons, ammunition, and devices listed in (1), that specified persons who are in a class of individuals prohibited from owning or possessing firearms, and who obtain title to these items by bequest or intestate succession may retain title for not more than one year, but actual possession of these items shall be punishable, as specified.

This bill would add to those specified persons, individuals who are mental patients in any hospital or institution or who are on leaves of absence from any hospital or institution and persons who have been convicted of violent offenses, as specified.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that for certain costs no reimbursement is required by this act for a specified reason.

However, the bill would provide that, if the Commission on State Mandates determines that this bill contains other costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be payable from the State Mandates Claims Fund.

Ch. 1691 (AB 3324) Hunter. Corporations: professional corporations.

Existing law provides for the regulation of corporations that provide professional services. Existing law generally requires that shareholders be licensed in the profession applicable to the corporation. However, existing law authorizes members of certain designated professions to be shareholders, officers, directors, or professional employees of the professional corporation so long as the shares owned do not exceed 49% of the total shares, and so long as the number of those persons does not exceed the number of persons licensed by the governmental agency regulating the corporation.

Under existing law, there are provisions that permit members of designated professions to be shareholders of medical corporations, podiatry corporations, psychological corporations, nursing corporations, marriage, family and child counseling corporations, licensed clinical social worker corporations, and optometric corporations.

This bill would permit licensed chiropractors to be shareholders, officers, directors, or professional employees of each of the types of professional corporations listed above, subject to the above restrictions. It would also permit certain licensees to be shareholders, officers, directors, and professional employees of chiropractic corporations, subject to the above restrictions.

Ch. 1692 (AB 4237) Nolan. Crimes: victims.

Existing law provides that, notwithstanding any other provision of law, as specified, an inmate who is released on parole shall not be returned to within 20 miles of the residence of a victim of, or a witness to, a violent felony, as defined, if there is a need to protect the life, safety, or well-being of a victim or witness.

This bill would provide, instead, that the inmate shall not be returned to within 35 miles of the victim's or witness's place of residence if the victim or witness has requested additional distance in the placement of the inmate on parole and there is a need to protect the life, safety, or well-being of a victim or witness.

Existing law provides that at least 30 days prior to the placement of an inmate in any reentry or work furlough program, the Department of Corrections shall send written notice, if notice has been requested, (1) to 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) to the sheriff of the county in which the inmate will reside, if known, or in which placement will be

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made, and (3) to 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.

This bill would, instead, require that notice be sent as soon as the placement is planned, but in no case less than 60 days prior to the placement of an inmate.

In addition, the bill would provide that whenever the department sends the notice required by this provision 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 would be required to make a diligent, good faith effort to learn the whereabouts of the victim in order to comply with the notification requirements. Because these provisions would increase the responsibilities of local officials, they would impose a state-mandated local program.

Existing law provides that every law enforcement agency in this state shall develop, adopt, and implement written policies and standards for officers' responses to domestic violence calls by January 1, 1986. These policies shall reflect that domestic violence is alleged criminal conduct and that a request for assistance in a situation involving domestic violence is the same as any other request for assistance where violence has occurred.

This bill would require every law enforcement agency in this state to develop, adopt, and implement written policies and standards for dispatchers' response to domestic violence calls by July 1, 1991. The bill would specify that the policies reflect that calls reporting domestic violence and violation of any protection order shall be ranked among the highest priority calls. The bill would also specify that the dispatchers would not be required to verify the validity of the protective order before responding to the request for assistance.

Existing law requires law enforcement agencies to maintain a complete and systematic record of all protection orders with respect to domestic violence incidents, including restraining orders and proofs of service in effect.

This bill, in addition, would require these agencies to maintain a complete and systematic record of all those protection orders which have not yet been served.

This bill would also provide that 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. The bill would further require that upon request, law enforcement agencies serve the party to be restrained at the scene of a domestic violence incident or at any time the party is in custody.

The bill also would provide that whenever a protection order with respect to domestic violence incidents, as specified, is applied for or issued, the clerk of the superior court is responsible for distributing, at the same time, a pamphlet to the person who is to be protected by the order which contains specified information, including, but not limited to, notice of the victim's responsibility to request notification of the inmate's release and notice regarding the enforceability and operation of the terms and conditions of the protection order until changed by order of the court, notwithstanding any acts of the parties.

Because these provisions would increase the responsibilities of local officials, they would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 1693 (SB 2866) Watson. Alcohol and drug programs. high-incidence drug use geographical areas: Medi-Cal.

(1) Under existing law, the State Department of Alcohol and Drug Programs is responsible for directing and coordinating the state's efforts to prevent or minimize the

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effects of alcohol misuse, narcotic addiction, and drug abuse.

This bill would require the department to provide direction to counties and to public and private organizations serving target populations, to increase access to alcohol and drug abuse prevention and recovery programs.

This bill would require the department to contract for a statewide independent evaluation, as specified, of both the current alcohol and drug service delivery system and methods to increase access to alcohol and drug recovery programs for disenfranchised populations.

This bill would require the department to issue a report, on or before September 30, 1991, to the Legislature on the findings of the independent evaluation.

This bill would state that it is the intent of the Legislature to appropriate $150,000 from the federal Alcohol, Drug Abuse, and Mental Health Services Block Grant for the above program.

(2) Under existing law, the State Department of Health Services administers the Medi-Cal program, a joint federal-state program intended to ensure the provision of necessary health care services to public assistance recipients and to other individuals who cannot afford to pay for those services themselves.

This bill would require the State Department of Alcohol and Drug Programs to 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 bill would require the department to report its findings and recommendations to the Legislature on or before January 24, 1992.

This bill would require the State Department of Health Services, in consultation with the department, to 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 to women who have given birth to a drug-exposed or alcohol-exposed infant, identified as specified. The bill would require the State Department of Health Services to submit an interim written report to the Legislature on or before July 1, 1991, and a written and verbal final report to the Legislature on or before January 24, 1992, on the feasibility of the amendment.

The bill would require the above programs to be implemented with existing funds available to the two departments respectively.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1694 (SB 1218) Maddy. Medi-Cal.

(1) Existing law requires contracts for Medi-Cal drugs entered into between the State Department of Health Services and manufacturers to provide for an equalization payment amount, as defined.

This bill would require the department to provide for an annual audit of utilization data used to calculate equalization payment amounts, and to document the findings of the audit in a report to be made available to manufacturers. It would require contracts to provide for equalization payment adjustments determined necessary pursuant to an audit.

(2) Existing law requires a manufacturer of a new single-source drug to comply with certain conditions in order to request inclusion of that drug on the Medi-Cal list of contract drugs, including the provision of necessary information requested by the State Department of Health Services.

This bill would permit a manufacturer to substitute certain specified information in its request to the department for inclusion on the list of contract drugs.

(3) Under existing law, when certain manufacturers of drugs request inclusion on the list of contract drugs, the department is required to accept the manufacturer's best price as sufficient for entering into contract negotiations when specified conditions are met.

This bill would delete those provisions.

(4) This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1695 (SB 2140) Davis. Peace officers.

(1) Under existing law, various provisions assign specific duties, privileges, and powers to specified peace officers.

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This bill would include within those provisions certain reserve or auxiliary sheriff or city police officers, deputy sheriffs, reserve police officers of certain districts, and officers of the Department of Fish and Game.

(2) Existing law requires all state agencies, with specified exceptions, to report immediately all crimes and criminally caused property damage on state-owned or state-leased property where state employees are discharging their duties to the California State Police Division.

This bill would require those reports to be made as soon as practical, rather than immediately. The bill would expressly exempt the California Highway Patrol from this requirement while the department is performing its statutory duties.

The bill would provide that in those 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.

(3) Existing law provides that whenever specified public employees are 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, a subpoena, requiring the employee's attendance, may be served by delivering a copy either personally or to the person's immediate superior.

This bill, instead, would provide that the subpoena may be served by delivering a copy either to the person personally or by delivering 2 copies to his or her immediate superior or agent designated by that immediate superior to receive the service.

(4) Existing law provides that any sheriff, undersheriff, or deputy sheriff, regularly employed and paid in that capacity, of a county, any police officer 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, regularly employed and paid 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 regularly employed and paid in that capacity in the office of a district attorney, is a peace officer.

This bill would require these persons to be employed, rather than regularly employed and paid, in their respective capacities.

(5) Under existing law, certain persons who have been deputized or appointed by the proper authority as reserve, auxiliary, deputies, or special agents, as the case may be, are designated as peace officers for the duration of the person's specific assignment.

This bill, in addition, would include reserve officers of a community service district and reserve officers of a police protection district within this described category of peace officers.

(6) Existing law requires the surrender of certain weapons under specified circumstances to the sheriff of a county or the chief of police or other head of a municipal police department of a city, or city and county.

This bill would allow for the surrender of these weapons to the Commissioner of the Department of the California Highway Patrol.

(7) Existing law, enacted by Chapter 1165 of the Statutes of 1989, prohibits an allocation from the Commission on Peace Officer Standards and Training Fund to a local governmental agency if the agency was not entitled to receive funding from the fund in accordance with the law as it read on December 31, 1989.

This bill would include legislative intent that amendments made to specified provisions by Chapter 950 of the Statutes of 1989 were intended to make the port wardens and special officers of the Harbor Department of the City of Los Angeles entitled to allocations from the Commission on Peace Officer Standards and Training Fund, notwithstanding the above provision in Chapter 1165 of the Statutes of 1989.

This bill would provide that the port wardens and special officers of the Harbor Department of the City of Los Angeles are entitled to receive the above funding, notwithstanding the enactment of Chapter 1165 of the Statutes of 1989. Because this bill would make additional entities eligible to receive state funds payable from the Peace

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Officers' Training Fund, which is a continuously appropriated fund, it would make an appropriation.

(8) Existing law specifies that an authorized emergency vehicle used by specified peace officers in the performance of their duties may display a flashing blue warning light.

This bill would include authorized emergency vehicles used by reserve or auxiliary officers described under paragraph (1) in the performance of their duties.

(9) The bill would make certain technical, conforming changes.

(10) This bill would incorporate changes in Sections 488.5, 557.5, and 557.6 of the Insurance Code, as amended by Chapter 82 of the Statutes of 1990, proposed by AB 389, incorporate changes in Section 669.5 of the Insurance Code proposed by AB 389, incorporate changes in Section 12028 of the Penal Code proposed by AB 700, and incorporate changes in Section 25258 of the Vehicle Code, as amended by Chapter 82 of the Statutes of 1990, proposed by AB 2580, to be operative if the particular other bills and this bill are chaptered and this bill is chaptered last.

This bill also would incorporate changes in Section 830.8 of the Penal Code proposed by AB 3474, to be operative only if AB 3474 and this bill are both chaptered and become effective January 1, 1990, and this bill is chaptered last.

Ch. 1696 (SB 1756) Lockyer. Driver's license: suspension: age.

(1) Existing law requires a court to suspend, restrict, or delay for one year the driving privilege of persons under age 21, but 13 years of age or older, convicted of offenses relating to alcohol or controlled substances.

This bill would require a court to suspend, restrict, or delay for one year the driving privilege of persons in that age group who commit additional offenses relating to alcohol and controlled substances when operating a vehicle, bicycle, or vessel, as specified. By imposing this requirement on the court, and requiring the court to report those cases to the Department of Motor Vehicles, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 1697 (SB 2635) Mello. Public offenses: minors.

(1) The Alcoholic Beverage Control Act makes it a misdemeanor for a person under the age of 21 years to have in his or her possession any alcoholic beverage on any street or highway or in any public place or place open to the public. A person making a delivery of an alcoholic beverage in pursuance of the order of his or her parent, or in pursuance of his or her employment, is exempted from that prohibition.

This bill would also exempt a person making a delivery in pursuance of the order of his or her responsible adult relative or any other adult designated by the parent or legal guardian. The bill would also provide a complete defense to that crime if the person was following, in a timely manner, the reasonable instructions of his or her parent, responsible adult relative, or adult designee relating to the disposition of the alcoholic beverage.

(2) Existing law allows specified school personnel to notify law enforcement authorities prior to the expulsion or suspension of students who commit enumerated acts.

This bill would require the notification to be given within one schoolday after the suspension or expulsion, thereby imposing a state-mandated local program by imposing additional duties on the public schools.

(3) Existing law requires a court to suspend the driving privilege for one year of persons under the age of 21, but 13 years of age or older, who commit enumerated offenses relating to alcohol or drugs. The court may restrict the privilege based on the

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person's critical need to drive.

This bill would define "critical need to drive", would subject additional enumerated offenses to the suspension requirement, thereby imposing a state-mandated local program by imposing additional duties on the courts, and would make related changes.

(4) Existing law prohibits persons under the age of 21 from driving a motor vehicle carrying an alcoholic beverage and from possessing any alcoholic beverage while a passenger in a motor vehicle, except under specified conditions.

This bill would permit that driving and possession under additional specified circumstances.

(5) Existing law authorizes a traffic hearing officer, under prescribed conditions, to hear and dispose of specified offenses committed by minors.

This bill would include additional offenses within that authority.

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 1698 (AB 3137) Hansen. Boating safety

(1) Existing law prohibits specified conduct relating to the operation of a vessel, water skis, an aquaplane, or similar devices, in a reckless or negligent manner or under the influence of alcohol or drugs, and prohibits operation of certain vessels by persons under 12 years of age. Existing law also authorizes the Department of Boating and Waterways to establish, by regulation, rules of the road and pilot rules for the use of vessels on the water.

This bill would authorize a court upon conviction of a person for a violation of any of those provisions, and require a court on a 2nd violation, to order the convicted person to complete and pass a boating safety course approved by the department.

The bill would require the department to adopt regulations to carry out the boating safety course provisions.

(2) Existing law requires the clerk of a court to send the Department of Motor Vehicles an abstract of the record after conviction of certain offenses including, on and after January 1, 1992, certain offenses relating to the operation of a vessel or the devices described above while under the influence of alcohol or drugs.

This bill would, after that date, require the clerk of the court to send an abstract of conviction for additional offenses relating to the operation of a vessel.

(3) The bill would make conforming changes in cross references in provisions defining vehicular manslaughter and gross vehicular manslaughter while operating a vessel.

(4) By imposing additional duties on court personnel under (1) and (2) above, and by changing the definition of a crime under (3) above, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

This bill would provide that for certain costs no reimbursement is required by this act for a specified reason.

However, the bill would provide that, if the Commission on State Mandates determines that this bill contains other costs mandated by the state, reimbursement for those other costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

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Ch. 1699 (AB 4270) Bader. Postsecondary education: student financial assistance.

Existing law contains the California State Work-Study Program, which is administered by the Student Aid Commission, to provide eligible college and university students with the opportunity to earn money to help defray their educational costs, while gaining experience in educationally beneficial or career-related employment. For the 1987–88 fiscal year, the commission was required in consultation with an advisory committee, as specified, to designate between 15 and 25 educational institutions to participate in the program.

This bill would require the Student Aid Commission to consult with the advisory committee, in its administration of the program, as specified, expressly including selection of institutions.

The bill would state the intent of the Legislature that funding for the purposes of the California State Work-Study Program be appropriated in the annual Budget Act.

The bill would also state the intent of the Legislature to support a comprehensive financial aid program for eligible students enrolled in credential and graduate degree programs, as specified, and would declare that a long-term policy with respect to the Cal Grant Program, as specified.

Ch. 1700 (SB 1720) Presley. Crimes.

(1) Existing law provides that it is a misdemeanor offense to knowingly make a false report to specified peace officers and to other persons who are employed by specified state and local agencies who have been assigned to accept reports from citizens that a felony or misdemeanor has been committed.

This bill would include legislative declarations concerning certain criminal offenders, and would provide in addition that it is a misdemeanor offense to knowingly make a false report to a grand jury that a misdemeanor or felony has been committed, thereby imposing a state-mandated local program by creating a new crime.

(2) Under existing law, an offender, once sentenced to prison, can reduce his or her sentence by accumulating certain credits.

This bill would provide that any persons convicted of specified felony offenses who have been previously convicted 2 or more times of any of these offenses, as specified, and the specified present felony is committed on or after the effective date of this bill, shall not be eligible for those credits, as specified.

(3) The bill would declare that if any provision is held invalid, that invalidity shall not affect other provisions or applications of the bill.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(5) This bill would provide that its provisions shall not become operative if SB 25 is enacted.

Ch. 1701 (SB 1683) Mello. PERS: retirees' lump-sum death benefits: increases.

The Public Employees' Retirement Law presently requires, upon the death of a retired state member, payment to the estate or designated beneficiary of a $600 lump-sum death benefit.

This bill would increase the amount of that lump-sum death benefit, from $600 to $2,000.

The bill would increase by unspecified percentages the state's employer contribution rates for the state's contributions which are appropriated monthly to the Public Employees' Retirement Fund, thereby making an appropriation.

Ch. 1702 (SB 1928) Presley. South Coast Air Quality Management District.

(1) Existing law does not prescribe how the governing board of the South Coast Air Quality Management District is to vote on items on its agenda.

This bill would require a rollcall vote, allow a consent calendar to be deemed a single item, and allow a substitute rollcall.

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(2) Existing law prescribes the notice to be given by air pollution control districts and air quality management districts to adopt, amend, or repeal regulations.

This bill would prescribe specific notice requirements applicable to the south coast district, and would require the south coast district to conduct workshops to obtain information, and to assess the socioeconomic impacts of any proposed adoption, amendment, or repeal of a rule or regulation that will significantly affect air quality or emissions limitations, and contract for the performance of an analysis of the method of performing those assessments, as specified.

(3) Existing law requires the South Coast Air Quality Management District Board to establish an office of public adviser and small business assistance to perform specified duties, including assuring public participation in the development and adoption of air quality rules and regulations.

This bill would recast that language to, among other things, rename that office as the office of public advisor and small business assistance, and provide for appointment of the public advisor by the executive officer of the south coast district board. The bill would specify additional categories of information the board would be required to make available to small businesses, and would impose additional requirements relative to assuring communication with, and participation of, the public, as defined, including adequate staffing, toll-free telephone lines, additional notice of board proceedings, as defined, referrals to experts, and availability of records of proceedings.

(4) Existing law provides for the adoption and revision of an air quality management plan by the south coast district. The south coast district board is required to adopt plan revisions in a specified manner after holding public hearings, as specified.

This bill would impose additional requirements relative to notice to the public of the times and places of the hearing, as specified.

The bill would authorize the imposition of a charge for sending required notices and documents.

(5) Existing law authorizes the south coast district to charge fees for enforcement of air contaminant plans, and authorizes the counties in the district to impose a $1 auto registration fee for specified purposes from January 1, 1990, to August 1, 1994.

This bill would authorize the south coast district, rather than the counties included within the south coast district, to impose a $1 auto registration fee. The bill would continue in effect any memorandum of understanding between a district and county as to the allocation of funds generated by a fee imposed by a county.

(6) Existing law requires the State Air Resources Board to report periodically on the funding sources and budgetary process of districts with a budget over $1,000,000.

This bill would set forth procedures governing the budget process of the south coast district, require the district to report annually to the State Air Resources Board and the Legislature a summary of its regulatory activities, and require the district to contract for a performance audit of district programs by July 1, 1991, and every 3 years thereafter.

(7) By imposing various requirements on the south coast district, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1703 (AB 2126) Felando. Department of Fish and Game: licenses: funding.

(1) Existing law requires the Department of Fish and Game to issue licenses, permits, tags, and other entitlements to authorize the taking and possession of fish for commercial purposes and provides for the regulation of businesses engaged in the marketing and processing of fish for commercial purposes. Existing law also provides for the issuance of licenses to, and the registration of, persons who engage in aquaculture in the waters of this state. Existing law imposes fees for the issuance of those licenses, permits, tags, and other entitlements. Existing law imposes a fee for the harvest of kelp or other aquatic plants and requires every person operating under a state oyster lease to pay a specified privilege tax based on shucked oysters harvested by that person.

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This bill would increase those fees and taxes.

(2) Existing law imposes a fee of $1,000 for the transfer of a drift gill net shark and swordfish permit and a fee of $1,000 for the transfer of a herring permit.

This bill would increase those transfer fees to $1,500 for a drift gill net shark and swordfish permit and to $5,000 for a herring permit, thereby imposing state taxes for purposes of Article XIII A of the California Constitution.

(3) Under existing law, the Fish and Game Commission may suspend or revoke commercial fishing licenses and commercial fish business licenses for specified violations of the Fish and Game Code.

This bill would, instead, authorize the department to suspend or revoke the commercial fishing and fish business licenses for specified violations.

(4) Existing law provides for the issuance of a commercial fish business license which authorizes a person to engage in all of the activities for which various specialty licenses are issued.

This bill would delete those provisions. The bill would require a person to obtain a specialty license for each of the categories of activity in which he or she is engaged with specified exceptions, and would apply the provisions to persons engaged in any business involving aquaculture products. The bill would delete the separate category for fish importer's licenses and, instead, require importers and persons receiving or purchasing aquaculture products to obtain fish receiver's licenses. The bill would provide for credits for the fees paid for former specified licenses, as prescribed.

(5) The bill would, until July 1, 1991, authorize the department to contract for producing and printing certain forms without complying with specified requirements for public contracts.

(6) Existing law requires the revenue from fees to be deposited in the Fish and Game Preservation Fund and continuously appropriates the money in the fund to the department to carry out the Fish and Game Code.

Because this bill would increase the revenue to be deposited in the fund, it would make an appropriation.

(7) The bill would repeal its provisions on January 1, 1992.

(8) This bill would become operative only if AB 3158 is enacted.

(9) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

Existing law would make a violation of the licensing provisions of the bill a crime. The bill, therefore, would impose a state-mandated local program by changing the definition of crimes.

The bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1704 (SB 2228) Hart. Air pollution: vehicle registration fee.

Existing law provides for the collection of registration and other specified fees on motor vehicles, including fees or surcharges authorized to be imposed by the South Coast and Sacramento Metropolitan Air Quality Management Districts which are required to be used to reduce air pollution. Under existing law, air pollution control districts and air quality management districts have various powers and duties relating to the control of air pollution, including those imposed under the California Clean Air Act of 1988.

This bill would make a declaration of legislative intent, and would authorize 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 to impose a specified fee on motor vehicles registered in the district imposing the fee if the board of supervisors of the county in which the district is located adopts a resolution authorizing the fee. The Department of Motor Vehicles would collect the fee at the time of the registration or renewal of registration of motor vehicles on and after specified dates. The amount of the fee in excess of the department's costs would be returned to the district imposing the fee to be used to reduce vehicular air pollution through the implementation of the California Clean Air Act of 1988, as specified.

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The bill would provide that it shall not become operative if AB 2766 is enacted and becomes operative on or before January 1, 1991, and adds specified provisions regarding the imposition of additional vehicle fees.

Ch. 1705 (AB 2766) Sher. Air pollution: vehicles: fees.

Existing law provides for the collection of registration and other specified fees on motor vehicles, including fees or surcharges authorized to be imposed by the South Coast and Sacramento Metropolitan Air Quality Management Districts, which fees are required to be used to reduce air pollution.

This bill would authorize an additional $2 fee, which may be increased to $4, to be imposed by a county, unified, or regional air pollution control district, or air quality management district, except specified districts, and used to reduce air pollution from motor vehicles and for related planning, monitoring, enforcement, and technical studies, as specified. The bill would prescribe the distribution of revenues from that fee in the south coast district. The bill would impose certain duties on the Department of Motor Vehicles with respect to the collection of the fees, and the State Air Resources Board with respect to determining the efficacy of the air pollution reduction programs.

Ch. 1706 (AB 3158) Costa. Department of Fish and Game: funding.

(1) Existing law contains a legislative declaration that lack of funding for the Department of Fish and Game has prevented proper planning and allocation of manpower. Existing law also declares that the costs of nongame fish and wildlife programs shall be provided in the Budget Act from sources other than the Fish and Game Preservation Fund.

The bill would require the department to establish and collect filing fees for the departmental actions relating to projects subject to the California Environmental Quality Act in specified amounts, and would require those fees for projects on federal lands unless explicitly preempted by federal law. The bill would require county clerks and the Office of Planning and Research to maintain records of environmental documents, as specified, and to remit the filing fee collected under the bill, thereby imposing a state-mandated local program. The bill would authorize county clerks to charge a documentary handling fee of $25 for filings, as specified.

The bill would change the index for inflationary adjustment to license and other entitlement fees, from the change in the costs of the department's operations, as specified, to the changes in the Implicit Price Deflator for State and Local Government Purchases of Goods and Services, and would require the department to report the adjustments to the Legislature with the Governor's Budget Bill. The bill would require the department to analyze all of those fees at least every 5 years. The bill would also require the fees for the review of streambed alteration plans to be established in an amount to meet all, instead of half, of the department's costs.

The bill would change the exemptions from the requirement for commercial hunting club licenses, change the fees for one-day licenses to take fish, increase the application fees for state water bottom leases from $100 to $500, and establish a fee for stream flow identification to be paid by persons applying for licenses, permits, transfers, extensions, or changes in use or point of diversion if there is a diversion of water from waterways where fish reside, as specified.

(2) Because existing law would make a violation of the licensing and filing provisions of the bill a crime, the bill would, thereby, impose a state-mandated local program by changing the definitions of crimes

The bill would also provide special penalties for the sale of fish taken under the authority of a sportfishing or sport ocean fishing license, thereby imposing a state-mandated local program by changing the penalties for a crime.

(3) Existing law requires the revenue from the fees to be deposited in the Fish and Game Preservation Fund and continuously appropriates the money in the fund to the department to carry out the Fish and Game Code.

Because this bill would change the duties of the department and increase the revenues to be deposited in the fund, it would make an appropriation.

(4) The bill would become operative only if AB 2126 is enacted.

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(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

The bill would provide that no reimbursement is required by this act for specified reasons.

Ch. 1707 (AB 3670) Farr. Local transactions and use tax.

Existing law authorizes the board of supervisors of any county with a population of 350,000 or less on January 1, 1987, to impose a retail transactions and use tax of 0.5%, if the ordinance or resolution proposing the tax is approved by a ⅔ vote of the members of the board and the tax is approved by a majority vote of the qualified voters of the county.

Existing law also authorizes the board of supervisors of any county with a population of 350,000 or less on January 1, 1987, to establish an authority for specific purposes and authorizes the authority, by a ⅔ vote of its members and approval by a majority of the voters of the county, to adopt an ordinance imposing a transactions and use tax at a rate of 0.5% for any purpose for which the authority is established.

This bill would delete the limitation in those provisions to those counties with a population of 350,000 or less on January 1, 1987, and would authorize the levy of an alternative tax rate of 0.25% pursuant to those provisions.

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DIGESTS OF STATUTES ENACTED IN 1990

1989–90 FIRST EXTRAORDINARY SESSION

BILL CHAPTERS

Ch. 1 (AB 42) Vasconcellos. Natural disaster assistance.

(1) Under the Natural Disaster Assistance Act, the Director of Emergency Services is required to administer a program which provides financial assistance to local agencies for the repair, restoration, or replacement of public real property of the agency that is damaged or destroyed by a natural disaster.

This bill would amend the Natural Disaster Assistance Act to do all of the following:

(a) Expand the act's coverage to enable state reimbursement of local agencies for local funding match requirements which are imposed as part of federal disaster assistance programs not administered by the Federal Emergency Management Agency.

(b) Specify that the Natural Disaster Assistance Fund and its subsidiary accounts are continuously appropriated for purposes of the act.

(c) Increase from 75 to 100 percent the state share of total state eligible costs for eligible projects under the act, which are connected with the October 17, 1989, Loma Prieta earthquake.

(d) Eliminate the required 30-day waiting period before moneys from the Special Fund for Economic Uncertainties can be distributed to local agencies for disaster assistance.

(e) Authorize the allocation of funds within the Disaster Response-Emergency Operations Account to state agencies for emergency protective measures or activities necessary for the resumption of regular state and local government operations and services when the Governor has proclaimed a state of emergency. This authorization would also constitute an appropriation

(f) Authorize the Director of Finance to transfer moneys from the Special Fund for Economic Uncertainties to the Disaster Response-Emergency Operations Account as necessary to pay state agencies' costs for disaster response. This authorization would also constitute an appropriation.

(g) Provide that no public entity administering disaster assistance shall receive funds from the Disaster Response-Emergency Operations Account unless it administers that assistance according to specified criteria, thus imposing a state-mandated local program.

(2) Under existing law, the State Department of Social Services may provide state supplemental individual and family grants to meet disaster-related needs of qualifying individuals or families which are not met through federal grants.

This bill would require that application procedures for the administration of the grants be subject to specified criteria.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

(4) This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 2 (SB 1) Mello. Natural disaster assistance.

(1) Under the Natural Disaster Assistance Act, the Director of Emergency Services is required to administer a program which provides financial assistance to local agencies for the repair, restoration, or replacement of public real property of the agency that is damaged or destroyed by a natural disaster.

This bill would amend the Natural Disaster Assistance Act to do all of the following:

(a) Expand the definition of local agency to include community college districts and private nonprofit organizations which are eligible for assistance under programs administered by the Federal Emergency Management Agency.

(b) Expand the definition of projects eligible for assistance to include public facilities used solely for recreation purposes.

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(c) Expand the act's coverage to enable state reimbursement of local agencies for local funding match requirements which are imposed as part of federal disaster assistance programs not administered by the Federal Emergency Management Agency.

(d) Specify that the Natural Disaster Assistance Fund and its subsidiary accounts are continuously appropriated for purposes of the act.

(e) Eliminate the required 30-day waiting period before moneys from the Special Fund for Economic Uncertainties can be distributed to local agencies for disaster assistance.

(f) Authorize the allocation of funds within the Disaster Response-Emergency Operations Account to state agencies for emergency protective measures or activities necessary for the resumption of regular state and local government operations and services when the Governor has proclaimed a state of emergency. This authorization would also constitute an appropriation.

(g) Authorize the Director of Finance to transfer moneys from the Special Fund for Economic Uncertainties to the Disaster Response-Emergency Operations Account as necessary to pay state agencies' costs for disaster response. This authorization would also constitute an appropriation.

(h) Expand the state share for eligible projects from no more than 75% to up to 100% of total state eligible costs connected with the October 17, 1989, Loma Prieta earthquake.

(i) Provide that no public entity administering disaster assistance shall receive funds from the Disaster Response-Emergency Operations Account unless it administers that assistance according to specified criteria, thus imposing a state-mandated local program.

(2) Under existing law, the State Department of Social Services may provide state supplemental individual and family grants to meet disaster-related needs of qualifying individuals or families which are not met through federal grants.

This bill would require that application procedures for the administration of the grants be subject to specified criteria.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

(4) This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 3 (AB 41) Farr. Natural disaster relief. [38]

Under existing law, the Department of Housing and Community Development may provide grants for farmworker housing construction or rehabilitation under special conditions from the Farmworker Housing Grant Fund, a continuously appropriated fund, in counties in which a disaster has been declared by the Governor. The grants are required to be matched with federal money, other cash investments, or in-kind contributions.

This bill would authorize the department to provide those grants without the matching requirements.

Existing law requires the Controller to establish 4 special accounts in the Natural Disaster Assistance Fund, into which shall be paid all moneys appropriated by the Legislature for allocation for the purpose of administering various programs relating to relief from natural disasters. Funds in each account are available for expenditure without regard to fiscal year.

This bill would also require the Controller to establish the California Disaster Housing Rehabilitation Fund, as a continuously appropriated fund into which shall be paid all moneys appropriated by the Legislature for housing rehabilitation loans pursuant to specified provisions of law.

Under existing law, the Department of Housing and Community Development is authorized to make specified deferred-payment loans for rehabilitation of residential

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structures.

This bill would authorize the use of this program under special conditions prescribed by the bill to assist victims of a natural disaster, as defined, in jurisdictions subject to a state of emergency proclaimed by the Governor. Loans under this bill would be made for the acquisition and rehabilitation, or rehabilitation, including reconstruction, of rental housing and to provide specified relocation assistance to displaced tenants of that rental housing. The loans would not be payable until the end of the loan term and would be forgiven under specified circumstances.

The bill would authorize the department to contract, as specified, for the administration of that loan program.

The bill would exempt regulations adopted to administer the program from general requirements applicable to the adoption of regulations. The bill would exempt fund allocations under the bill from review by the department's loan committee.

The bill would also require, as a condition of eligibility for that financial assistance for the repair of one or more earthquake-damaged buildings, that the building owner agree to make designated property improvements.

Existing law prohibits any building or structure that is listed on the National Register of Historic Places and that is transferred from state ownership to another public agency from being demolished, destroyed, or significantly altered, except for designated restoration, without prior approval by statute.

This bill, in addition, would prohibit any structure that is listed on the National Register of Historic Places, on the California Register of Historic Places, or on any local public register of historic places, and that has been damaged due to a natural disaster, as specified, from being demolished, destroyed, or significantly altered, except for designated restoration, unless it presents an imminent threat to the public of bodily harm or of damage to adjacent property, or unless the State Office of Historic Preservation determines, pursuant to a specified procedure, that the structure shall be demolished, destroyed, or significantly altered.

The bill would appropriate, from the Special Fund for Economic Uncertainties $32,000,000 to the California Natural Disaster Housing Rehabilitation Fund and $1,500,000 to the Farmworker Housing Grant Fund for grants for farmworker housing construction or rehabilitation, as specified.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 4 (SB 3) Marks. Natural disaster relief.

Existing law requires the Controller to establish 4 special accounts in the Natural Disaster Assistance Fund, into which shall be paid all moneys appropriated by the Legislature for allocation for the purpose of administering various programs relating to relief from natural disasters. Funds in each account are available for expenditure without regard to fiscal year.

This bill would also require the Controller to establish the California Disaster Housing Rehabilitation Fund, as a continuously appropriated fund into which shall be paid all moneys appropriated by the Legislature for housing rehabilitation loans pursuant to specified provisions of law.

Under existing law, the Department of Housing and Community Development is authorized to make specified deferred-payment loans for rehabilitation of residential structures.

This bill would authorize the use of this program under special conditions prescribed by the bill to assist victims of a natural disaster, as defined, in jurisdictions subject to a state of emergency proclaimed by the Governor. Loans under this bill would be made for the rehabilitation or reconstruction of rental housing and to provide specified relocation assistance to displaced tenants of that rental housing. The bill would permit a loan made under its provisions to be forgiven up to a certain amount if the borrower maintains the rehabilitated units at affordable rents as specified.

The bill would authorize the department to contract, as specified, for the administration of that loan program.

The bill would exempt regulations adopted to administer the program from general requirements applicable to the adoption of regulations. The bill would exempt fund

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allocations under the bill from review by the department's loan committee. The bill would also exempt specified reconstruction or rehabilitation due to damage caused by a natural disaster from certain local agency developer fees.

The bill would appropriate $32,000,000 from the Special Fund for Economic Uncertainties to the California Disaster Housing Rehabilitation Fund, as specified.

Existing law establishes the Farmworker Housing Grant Fund and continuously appropriates moneys in that fund to the department to provide grants to local public entities, nonprofit corporations, and housing owners comprised of either homeowners who are agricultural employees or owners of rental property used primarily by agricultural households in counties in which a disaster has been declared by the Governor for a specified period of time. Existing law requires the grantees to match the grants with at least equal amounts of federal moneys or other in-kind contributions and permits the grant to be used for housing construction or rehabilitation.

This bill would appropriate $1,000,000 from the Fund for Economic Uncertainties to the Farmworker Housing Grant Fund, would permit the grant money to be used for the acquisition of housing, and would permit the department to waive the requirement that a grantee make a matching contribution.

The bill would also prohibit any structure damaged by a natural disaster that is registered as a "historic place" as specified, from being demolished, destroyed, unless for restoration, or significantly altered, unless the structure presents an imminent threat to the public or unless the State Office of Historical Preservation determines that the structure may be demolished, destroyed, or significantly altered.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 5 (AB 44) Hauser. Natural disaster relief [39]

Existing law requires the Controller to establish 4 special accounts in the Natural Disaster Assistance Fund, into which shall be paid all moneys appropriated by the Legislature for allocation for the purpose of administering various programs relating to relief from natural disasters. Funds in each account are available for expenditure without regard to fiscal year.

This bill would also require the Controller to establish the California Disaster Housing Rehabilitation Fund, as a continuously appropriated fund into which shall be paid all moneys appropriated by the Legislature for housing rehabilitation loans pursuant to specified provisions of law.

This bill would also establish the Rural Emergency Assistance Housing Infrastructure Program under which the State Department of Commerce and the Department of Housing and Community Development would make grants to local agencies, as defined for the purpose of financing improvements necessary to serve emergency or temporary housing units, the location or designation of which has been made necessary by a natural disaster.

Under existing law, the Department of Housing and Community Development is authorized to make specified deferred-payment loans for rehabilitation of residential structures.

Existing law provides for the administration by the Department of Housing and Community Development of various programs of loans and grants for community development and for housing for farmworkers, senior citizens, and other persons of low and moderate income.

This bill would require the department, in the event of a natural disaster, as defined, for the purpose of providing disaster relief in communities subject to the disaster to give priority to those communities and persons and organizations in those communities in making grants, and providing funds and other assistance under specified programs for emergency housing and assistance, rural community facilities, rural and urban predevelopment loans, self-help housing, senior shared housing, and farmworker housing.

This bill would exempt regulations adopted by the Department of Housing and Community Development to administer the above provisions from general requirements applicable to the adoption of regulations.

This bill would establish a natural disaster emergency shelter program, administered by the department, of grants to local governmental agencies and nonprofit organizations

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to provide emergency shelter to persons who have been rendered homeless as the result of a natural disaster. The bill would specify the procedures and conditions for application for and awarding of grants and the uses to which the grants may be put.

This bill would also require the department to provide grants in the form of a deposit guarantee contract to local nonprofit agencies or local governments to provide contractual guarantees for the payment of residential security deposits for individuals and families rendered homeless by a natural disaster.

Under existing law, the Department of Housing and Community Development is authorized to make specified deferred-payment loans for rehabilitation of residential structures.

This bill would authorize the use of this program under special conditions prescribed by the bill to assist victims of a natural disaster, as defined, in jurisdictions subject to a state of emergency proclaimed by the Governor. Loans under this bill would be made for the rehabilitation or reconstruction of owner-occupied dwellings.

The bill would authorize the department to contract, as specified, for the administration of that loan program.

The bill would exempt regulations adopted to administer the program from general requirements applicable to the adoption of regulations. The bill would exempt fund allocations under the bill from review by the department's loan committee.

The bill would appropriate $41,500,000 from the Special Fund for Economic Uncertainties for the various assistance programs described above according to a specified schedule.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 6 (SB 4) L. Greene. Natural disaster relief.

Existing law requires the Controller to establish 4 special accounts in the Natural Disaster Assistance Fund, into which shall be paid all moneys appropriated by the Legislature for allocation for the purpose of administering various programs relating to relief from natural disasters. Funds in each account are available for expenditure without regard to fiscal year.

This bill would also require the Controller to establish the California Disaster Housing Rehabilitation Fund, as a continuously appropriated fund into which shall be paid all moneys appropriated by the Legislature for housing rehabilitation loans pursuant to specified provisions of law.

Under existing law, the Department of Housing and Community Development is authorized to make specified deferred-payment loans for rehabilitation of residential structures.

This bill would also establish the Rural Emergency Assistance Housing Infrastructure Program under which the State Department of Commerce and the Department of Housing and Community Development would make grants to local agencies, as defined for the purpose of financing improvements necessary to serve emergency or temporary housing units, the location or designation of which has been made necessary by a natural disaster.

Existing law provides for the administration by the Department of Housing and Community Development of various programs of loans and grants for community development and for housing for farmworkers, senior citizens, and other persons of low and moderate income.

This bill would require the department, in the event of a natural disaster, as defined, for the purpose of providing disaster relief in communities subject to the disaster to give priority to those communities and persons and organizations in those communities in making grants, and providing funds and other assistance under specified programs for emergency housing and assistance, rural community facilities, rural and urban predevelopment loans, self-help housing, senior shared housing, and farmworker housing.

This bill would exempt regulations adopted by the department to administer the above provisions from general requirements applicable to the adoption of regulations.

This bill would establish a natural disaster emergency shelter program, administered by the department, of grants to local governmental agencies and nonprofit organizations to provide emergency shelter to persons who have been rendered homeless as the result

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of a natural disaster. The bill would specify the procedures and conditions for application for and awarding of grants and the uses to which the grants may be put.

This bill would also require the department to provide grants in the form of a deposit guarantee contract to local nonprofit agencies or local governments to provide contractual guarantees for the payment of residential security deposits for individuals and families rendered homeless by a natural disaster.

Under existing law, the Department of Housing and Community Development is authorized to make specified deferred-payment loans for rehabilitation of residential structures.

This bill would authorize the use of this program under special conditions prescribed by the bill to assist victims of a natural disaster, as defined, in jurisdictions subject to a state of emergency proclaimed by the Governor. Loans under this bill would be made for the rehabilitation or reconstruction of owner-occupied dwellings.

The bill would authorize the department to contract, as specified, for the administration of that loan program.

The bill would exempt regulations adopted to administer the program from general requirements applicable to the adoption of regulations. The bill would exempt fund allocations under the bill from review by the department's loan committee.

The bill would appropriate $41,500,000 from the Special Fund for Economic Uncertainties to the various assistance programs described above in accordance with a specified schedule.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 7 (SB 10) Morgan. Parks and historical resources. [40]

Under existing law, specified amounts are appropriated for support of the State Park System. Under existing law, specified bond acts have been approved by the voters to provide funds for state beach, park, recreational, historical preservation, and related purposes.

This bill would amend and supplement the Budget Act of 1989 to appropriate $1,300,000, as scheduled, from the California Wildlife, Coastal, and Park Land Conservation Fund of 1988 to the Department of Parks and Recreation for emergency earthquake repairs and to appropriate $170,850 from the Parklands Fund of 1984 to the department for local assistance for historical preservation purposes.

The bill would declare legislative intent in this connection and would waive the 30-day waiting period required upon notification pursuant to Section 28.00 of the Budget Act of the availability of federal funds for earthquake relief for historic buildings. The bill would also require the state funds from which amounts would be appropriated by the bill to be reimbursed by federal funds, as specified.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 8 (AB 39) Seastrand. Parks and historical resources.

Under existing law, specified amounts are appropriated for support of the state park system. Under existing law, specified bond acts have been approved by the voters to provide funds for state beach, park, recreational, historical preservation, and related purposes.

This bill would amend and supplement the Budget Act of 1989 to appropriate $1,300,000 from the California Wildlife, Coastal, and Park Land Conservation Fund of 1988 to the Department of Parks and Recreation for emergency earthquake repairs and to appropriate $170,850 from the Parklands Fund of 1984 to the department for local assistance for historical preservation purposes.

The bill would declare legislative intent in this connection and would waive the 30-day waiting period required upon notification pursuant to Section 28.00 of the Budget Act of the availability of federal funds for earthquake relief for historic buildings. The bill would also require the state bond funds from which amounts would be appropriated by the bill to be reimbursed by federal funds, as specified.

The bill would declare that it is to take effect immediately as an urgency statute.

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Ch. 9 (SB 11) Alquist. Natural disaster relief: appropriation. [41]

Under existing law, designated amounts are appropriated under the Budget Act of 1989 for the support of the Department of Social Services in the 1989–90 fiscal year.

This bill would augment those amounts with an appropriation to the department of $19,400,000 for the 1989–90 fiscal year to pay costs relating to the earthquake and aftershocks that commenced on October 17, 1989. The bill would specify that this additional appropriation be distributed, as specified, to the payment of the 25% state funding share for federal grants under the federal individual and family grant program, the funding of state individual and family grants in supplementation of that federal program, and certain administrative expenses.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 10 (AB 37) Bates. Appropriation: disaster relief.

Existing provisions of the Budget Act of 1989 appropriated funds for support of the Department of Social Services during the 1989–90 fiscal year.

This bill would appropriate the sum of $19,400,000 from the General Fund to the Director of Social Services for augmentation of Item 5180-001-001 of the Budget Act of 1989, to be allocated for costs in administering the federal Individual and Family Grant program and the state Individual and Family Supplemental Grant program during the 1989–90 fiscal year, as specified.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 11 (SB 12) Mello. California earthquake emergency grants and loan guarantees: small businesses, farms, nurseries, and agriculture related enterprises. [42]

(1) The existing statutes establish the Department of Commerce and confer upon it various powers and duties.

This bill would require the department to administer the California Earthquake Emergency Grant Aid Program to make grants to cities and counties and specified small business entities for specified purposes to assist small businesses and communities to recover from the effects of the October 17, 1989, earthquake and related aftershocks.

This bill would appropriate $1,000,000 from the Disaster Relief Fund to the California Economic Development Grant and Loan Fund for expenditure to carry out the above purposes.

(2) Existing provisions of the Natural Disaster Assistance Act provide for allocation of moneys available for purposes of that chapter for specified purposes of state and local agencies.

This bill would additionally authorize allocation of funds made available for purposes of that act, in connection with the October 17, 1989, northern California earthquake and incidents subsequent thereto, and resulting therefrom, in the affected area during the period of earthquake relief, to the Small Business Expansion Fund for use by the Office of Small Business to (a) provide prescribed loan guarantees pursuant to the Small Business Development Corporation Law for small businesses, and to (b) provide prescribed guarantees for short term interest loans for small farms, nurseries, and agriculture-related enterprises, all of which have suffered damage or significant economic losses as a result of the disaster. Because the bill would change the purposes for which a continuous appropriation of the Disaster Response-Emergency Operations Account may be used, the bill would also make an appropriation.

(3) This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 12 (AB 40) Farr. California earthquake emergency grants and loan guarantees: small businesses, farms, nurseries, and agriculture-related enterprises.

(1) The existing statutes establish the Department of Commerce and confer upon it various powers and duties.

This bill would require the department to administer the California Earthquake Emergency Grant Aid Program to make grants to cities and counties and specified small business entities for specified purposes to assist small businesses and communities to recover from the effects of the October 17, 1989, earthquake and related aftershocks.

This bill would appropriate $1,000,000 from the Disaster Relief Fund to the California

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Economic Development Grant and Loan Fund for expenditure to carry out the above purposes.

(2) Existing provisions of the Natural Disaster Assistance Act provide for allocation of moneys available for purposes of that chapter for specified purposes of state and local agencies.

This bill would additionally authorize allocation of funds made available for purposes of that act, in connection with the October 17, 1989, northern California earthquake and incidents subsequent thereto, and resulting therefrom, in the affected area during the period of earthquake relief, to the Small Business Expansion Fund for use by the Office of Small Business to (a) provide prescribed loan guarantees pursuant to the Small Business Development Corporation Law for small businesses, and to (b) provide prescribed guarantees for short term interest loans for small farms, nurseries, and agriculture-related enterprises, all of which have suffered damage or significant economic losses as a result of the disaster. Because the bill would change the purposes for which a continuous appropriation of the Disaster Response-Emergency Operations Account may be used, the bill would also make an appropriation.

(3) This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 13 (AB 48) Areias. Sales and use tax: earthquake relief.

The existing Sales and Use Tax Laws impose taxes at specified rates on the retail sale of, and the storage, use, or other consumption of, personal property within the state.

This bill would authorize, as provided, from December 1, 1989, to December 31, 1990, inclusive, a ¼¢ increase in the sales tax, and a corresponding increase in the use tax. This bill would place the revenues from the temporary tax increases into a newly created continuously appropriated relief fund, and limit the use of that fund to the funding of disbursements for purposes of response to and recovery from earthquakes, aftershocks, and any other related casualties. This bill would also authorize the Director of Finance to transfer moneys from the relief fund to the Special Fund for Economic Uncertainties to replenish that fund for fund expenditures concerning earthquakes, aftershocks, and any other related casualties.

This bill would include certain appropriations to school entities for disaster relief from the computation of school apportionments for certain purposes.

This bill would suspend the minimum level of support requirements in the California Constitution for school districts and community college districts for the 1989–90 fiscal year to the extent that these provisions conflict with the disaster relief provisions.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 14 (SB 33) Mello. Sales and use tax: earthquake relief.

The existing Sales and Use Tax Law imposes taxes at specified rates on the retail sale of, and the storage, use, or other consumption of, personal property within the state.

This bill would authorize, as provided, from December 1, 1989, to December 31, 1990, inclusive, a ¼¢ increase in the sales tax, and a corresponding increase in the use tax. This bill would place the revenues from the temporary tax increases into a newly created continuously appropriated relief fund, and limit the use of that fund to the funding of disbursements for purposes of response to and recovery from the earthquake, aftershocks, and any other related casualty. This bill would also authorize the Director of Finance to transfer moneys from the relief fund to the Special Fund for Economic Uncertainties to replenish that fund for expenditures concerning the earthquake, aftershocks, and any other related casualty.

This bill would require the State Board of Equalization to deliver a report to the Legislature, on or before April 1, 1990, concerning the costs and burdens borne by retailers in implementing the temporary sales tax increase.

This bill would make legislative findings and declarations and would suspend certain constitutional provisions relating to the support of school districts and community college districts.

This bill would declare that it is to take effect immediately as an urgency statute.

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Ch. 15 (AB 36) Klehs. Taxation: earthquake relief.

(1) Existing law only permits the board of supervisors of a county of the 18th or 42nd class to, by ordinance, consolidate the duties of the county offices of the assesor and recorder.

This bill would also permit the board of supervisors of a county of the 22nd (Solano), 29th (Napa), and 30th (Shasta) class to, by ordinance, consolidate those duties.

(2) Existing law provides, for purposes of the 1987–88 fiscal year, for the reassessment of, and defferal of property taxes upon, eligible property, as defined, damaged by earthquakes and fires occurring in California in 1987.

This bill would amend those provisions to provide, for purposes of the 1989–90 fiscal year, for the reassessment of, and deferral of property taxes upon, eligible property, as defined, damaged by earthquakes occurring in California in October 1989.

(3) The existing Personal Income and Bank and Corporation Tax Laws provide, among other things, for the carryover to subsequent tax years of losses, exceeding taxable income, sustained as a result of various disasters occurring in California.

This bill would extend those provisions to losses sustained as a result of an earthquake, aftershock, or any other related casualty occurring in California in October 1989, including losses in specified cities.

The bill would continuously appropriate moneys in the Special Fund for Economic Uncertainties to the Director of Finance for the purposes of allocating funds for disaster relief pursuant to those provisions.

(4) This bill would also declare the intent of the Legislature regarding possible conflicts between certain provisions of this act and specified statutes.

(5) This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 16 (SB 34) Garamendi. Taxation: loss carryovers: earthquake relief.

(1) Existing law only permits the board of supervisors of a county of the 18th or 42nd class to, by ordinance, consolidate the duties of the county offices of the assesor and recorder.

This bill would also permit the board of supervisors of a county of the 22nd (Solano), 29th (Napa), and 30th (Shasta) class to, by ordinance, consolidate those duties.

(2) Existing law provides, for purposes of the 1987–88 fiscal year, for the reassessment of, and defferal of property taxes upon, eligible property, as defined, damaged by earthquakes and fires occurring in California in 1987.

This bill would amend those provisions to provide, for purposes of the 1989–90 fiscal year, for the reassessment of, and deferral of property taxes upon, eligible property, as defined, damaged by earthquakes occurring in California in October 1989.

(3) The existing Personal Income and Bank and Corporation Tax Laws provide, among other things, for the carryover to subsequent tax years of losses, exceeding taxable income, sustained as a result of various disasters occurring in California.

This bill would extend those provisions to losses sustained as a result of an earthquake, aftershock, or any other related casualty occurring in California in October 1989, including losses in specified cities.

The bill would continuously appropriate moneys in the Special Fund for Economic Uncertainties to the Director of Finance for the purposes of allocating funds for disaster relief pursuant to those provisions.

(4) This bill would also declare the intent of the Legislature regarding possible conflicts between certain provisions of this act and specified statutes.

(5) This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 17 (AB 38) Sher. Transportation: earthquake response. [43]

(1) Under existing law, the Department of Transportation is generally responsible for the repair, restoration, or reconstruction of state highways. Numerous other laws, as well as requirements imposed by state and local agencies, may be applicable to a particular state highway project.

Existing law, the California Environmental Quality Act, generally requires all public lead agencies, state and local, to prepare, or cause to be prepared by contract, and certify the completion of, an environmental impact report on specified discretionary projects.

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Projects undertaken, carried out, or approved by a public agency to maintain, repair, restore, demolish, or replace property or facilities damaged as a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed are exempt from the requirements of the act.

This bill would include within those projects which are exempt from the act, any project, as defined, which is undertaken for the emergency repair or restoration of any highway damaged by the October 17, 1989 earthquake. The bill would require a permitting agency to issue a permit for a project within 15 days of receipt of an application, thereby imposing a state-mandated local program. The bill would create an earthquake emergency permit review panel to approve or deny appeals from the department and permitting agencies, as specified. The bill would repeal these provisions on June 1, 1990.

(2) Under existing law, the Metropolitan Transportation Commission is responsible for, among other things, transportation planning for the San Francisco Bay area and for the allocation of funds to transit entities in the area of its jurisdiction.

This bill would impose a state-mandated local program by requiring the commission to develop an emergency transportation system management plan which defines the continuing emergency services required during reconstruction of highway facilities rendered inoperable by the earthquake.

(3) Under existing law, state highway projects are accomplished in accordance with a 7-year state transportation improvement program adopted biennially by the California Transportation Commission. The department is required to submit a proposed state transportation improvement program to the commission. Dates for the submission and adoption of those programs are prescribed by law. Funds for highway projects are required to be allocated by the commission.

This bill would authorize the Director of Transportation to postpone the prescribed dates for up to 90 days, and would repeal that authority on June 1, 1990. The bill would provide that state funds or federal emergency relief funds available for expenditure for response and recovery from the earthquake are not subject to allocation by the commission.

This bill would require the department to develop revised seismic standards for earthquake resistance to be utilized in the design and construction of new state highways and bridges and for the retrofit of existing highways and bridges. The bill would require the department to incorporate state of the art technology, as specified, in those standards, to continue to revise and update the standards periodically, and to disseminate the standards, together with supporting data, to other public agencies engaged in the design, construction, or inspection of streets, roads, highways, and bridges.

The bill would designate the department and the Counties of Los Angeles and Santa Clara as lead agencies and require them to inspect and develop seismic retrofit projects for publicly owned highway and road bridges, thereby imposing a state-mandated local program. The bill would require the commission to allocate funds for those projects, and for that purpose would create the Seismic Safety Retrofit Account in the State Transportation Fund.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

(5) The bill would transfer $80,000,000 from the Disaster Relief Fund to the account.

(6) The bill would appropriate $84,800,000 of which $80,000,000 would be from the account to the department for seismic retrofit projects, $1,000,000 from the Disaster Relief Fund to the department to develop seismic standards for state highways and bridges, and $3,800,000 from specified previously appropriated transit capital improvement funds for emergency ferry services and emergency transit operations, as specified.

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(7) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 18 (SB 36) Kopp. Transportation: earthquake emergency permit review panel.

(1) Under existing law, the Department of Transportation is generally responsible for the repair, restoration, or reconstruction of state highways. Numerous other laws, as well as requirements imposed by state and local agencies, may be applicable to a particular state highway project.

Existing law, the California Environmental Quality Act, generally requires all public lead agencies, state and local, to prepare, or cause to be prepared by contract, and certify the completion of, an environmental impact report on specified discretionary projects. Projects undertaken, carried out, or approved by a public agency to maintain, repair, restore, demolish, or replace property or facilities damaged as a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed are exempt from the requirements of the act.

This bill would include within those projects which are exempt from the act, any project, as defined, which is undertaken for the emergency repair or restoration of any highway damaged by the October 17, 1989, earthquake. The bill would require a permitting agency to issue a permit for a project within 15 days of receipt of an application, thereby imposing a state-mandated local program. The bill would create an earthquake emergency permit review panel to approve or deny appeals from the department and permitting agencies, as specified. The bill would repeal these provisions on June 1, 1990.

(2) Under existing law, the Metropolitan Transportation Commission is responsible for, among other things, transportation planning for the San Francisco Bay area and for the allocation of funds to transit entities in the area of its jurisdiction.

This bill would impose a state-mandated local program by requiring the commission to develop an emergency transportation system management plan which defines the continuing emergency services required during reconstruction of highway facilities rendered inoperable by the earthquake.

(3) Under existing law, state highway projects are accomplished in accordance with a 7-year state transportation improvement program adopted biennially by the California Transportation Commission. The department is required to submit a proposed state transportation improvement program to the commission. Dates for the submission and adoption of those programs are prescribed by law. Funds for highway projects are required to be allocated by the commission.

This bill would authorize the Director of Transportation to postpone the prescribed dates for up to 90 days, and would repeal that authority on June 1, 1990. The bill would provide that state funds or federal emergency relief funds available for expenditure for response and recovery from the earthquake are not subject to allocation by the commission.

This bill would require the department to develop revised seismic standards for earthquake resistance to be utilized in the design and construction of new state highways and bridges and for the retrofit of existing highways and bridges The bill would require the department to incorporate state of the art technology, as specified, in those standards, to continue to revise and update the standards periodically, and to disseminate the standards, together with supporting data, to other public agencies engaged in the design, construction, or inspection of streets, roads, highways, and bridges.

The bill would designate the department and the Counties of Los Angeles and Santa Clara as lead agencies and require them to inspect and develop seismic retrofit projects for publicly owned highway and road bridges, thereby imposing a state-mandated local program. The bill would require the commission to allocate funds for those projects, and for that purpose would create the Seismic Safety Retrofit Account in the State Transportation Fund.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

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This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

(5) The bill would transfer $80,000,000 from the Disaster Relief Fund to the account.

(6) The bill would appropriate $83,800,000 of which $80,000,000 would be from the account to the department for seismic retrofit projects, $1,000,000 from the Diaster Relief Fund to the department to develop seismic standards for state highways and bridges, and $3,800,000 from specified previously appropriated transit capital improvement funds for emergency ferry services and emergency transit operations, as specified.

(7) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 19 (AB 43) Vasconcellos. Disaster relief: appropriation.

Under the Budget Act of 1989 the Director of Finance may allocate $20,000,000 from the Special Fund for Economic Uncertainties for emergency or disaster response costs incurred by state or local agencies for the 1989–90 fiscal year. This bill would increase that amount from $20,000,000 to $40,000,000, thereby making an appropriation.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 20 (SB 40) Campbell. Disaster relief: appropriation.

Under the Budget Act of 1989, the Director of Finance may allocate $20,000,000 from the Special Fund for Economic Uncertainties for emergency or disaster response costs incurred by state or local agencies for the 1989–90 fiscal year. This bill would increase that amount from $20,000,000 to $40,000,000, thereby making an appropriation.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 21 (SB 45) Lockyer. Claims against the state: earthquake disaster relief. [44]

(1) Existing law provides a procedure by which persons may file claims against the state with the State Board of Control.

This bill would provide a different procedure by which any person may file an application with the board for compensation, including emergency payments, based on personal property loss, personal injury, or death, including noneconomic loss, arising from the collapse of the San Francisco-Oakland Bay Bridge or the I-880 Cypress structure caused by the October 17, 1989, earthquake. The bill would create in the State Treasury the San Francisco-Oakland Bay Bridge and I-880 Cypress Structure Disaster Fund for the purpose of paying personal property loss, personal injury, and death claims against the state, arising from this natural disaster. Moneys in the fund would be continuously appropriated to the Department of Finance without regard to fiscal years for the purpose of paying awards made pursuant to the bill.

(2) Existing law provides that an unemployed individual is eligible to receive unemployment compensation benefits with respect to any week only if the Director of Employment Development finds that certain conditions have been met, including that the individual has been unemployed for a waiting period of one week.

This bill would waive this waiting period requirement for those unemployed individuals who file an application for benefits with the Director of Employment Development between October 15, 1989, and December 2, 1989, inclusive, if the claimant either resides in or was most recently employed in either an area identified by the Federal Disaster Assistance Administration or by a Governor's declaration of a state of emergency, in connection with the October 17, 1989, Loma Prieta Earthquake. It would also provide that benefits paid as a result of this waiver shall not be charged to employer reserve accounts, except as specified.

The bill would require the Director of Employment Development to submit to the Governor and to the chairpersons of the appropriate policy committees in the Legislature copies of a specified report concerning disaster unemployment assistance, and to recommend to the Governor and the Legislature, by February 1, 1990, an appropriate procedure to permit the temporary waiver of unemployment benefit eligibility rules in the wake of disasters whose character directly affects employment within the area or areas where effects of the disaster are felt.

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Under existing law, the Unemployment Fund is continuously appropriated. This bill, by authorizing the payment of unemployment benefits at an earlier time, would therefore make an appropriation.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would require that applications for compensation submitted pursuant to the bill under (1) above be verified under penalty of perjury. By establishing additional fact situations to which the existing crime of perjury would apply, this bill would impose additional duties on law enforcement agencies and would thereby impose a state-mandated local program.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would transfer $30,000,000 from the Special Fund for Economic Uncertainties to the San Francisco-Oakland Bay Bridge and I-880 Cypress Structure Disaster Fund for purposes of the bill.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 22 (AB 45) W. Brown. Claims against the state: earthquake disaster relief.

(1) Existing law provides a procedure by which persons may file claims against the state with the State Board of Control.

This bill would provide a different procedure by which any person may file an application with the board for compensation, including emergency payments, based on personal property loss, personal injury, or death, including noneconomic loss, arising from the collapse of the San Francisco-Oakland Bay Bridge or the I-880 Cypress structure caused by the October 17, 1989, earthquake. The bill would create in the State Treasury the San Francisco-Oakland Bay Bridge and I-880 Cypress Structure Disaster Fund for the purpose of paying personal property loss, personal injury, and death claims against the state, arising from this natural disaster. Moneys in the fund would be continuously appropriated to the Department of Finance without regard to fiscal years for the purpose of paying awards made pursuant to the bill.

(2) Existing law provides that an unemployed individual is eligible to receive unemployment compensation benefits with respect to any week only if the Director of Employment Development finds that certain conditions have been met, including that the individual has been unemployed for a waiting period of one week.

This bill would waive this waiting period requirement for those unemployed individuals who file an application for benefits with the Director of Employment Development between October 15, 1989, and December 2, 1989, inclusive, if the claimant either resides in or was most recently employed in either an area identified by the Federal Disaster Assistance Administration or by a Governor's declaration of a state of emergency, in connection with the October 17, 1989, Loma Prieta Earthquake. It would also provide that benefits paid as a result of this waiver shall not be charged to employer reserve accounts, except as specified.

The bill would require the Director of Employment Development to submit to the Governor and to the chairpersons of the appropriate policy committees in the Legislature copies of a specified report concerning disaster unemployment assistance, and to recommend to the Governor and the Legislature, by February 1, 1990, an appropriate procedure to permit the temporary waiver of unemployment benefit eligibility rules in the wake of disasters whose character directly affects employment within the area or areas where effects of the disaster are felt.

Under existing law, the Unemployment Fund is continuously appropriated. This bill, by authorizing the payment of unemployment benefits at an earlier time, would therefore make an appropriation.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would require that applications for compensation submitted pursuant to the bill under (1) above be verified under penalty of perjury. By establishing additional fact

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situations to which the existing crime of perjury would apply, this bill would impose additional duties on law enforcement agencies and would thereby impose a state-mandated local program.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would transfer $30,000,000 from the Special Fund for Economic Uncertainties to the San Francisco-Oakland Bay Bridge and I-880 Cypress Structure Disaster Fund for purposes of the bill.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 23 (SB 38) Petris. Disaster relief.

Existing provisions of the Natural Disaster Assistance Act permit allocations from specified funds to a local agency, defined as any city, city and county, county, school district, or special district, for disaster assistance when a state emergency has been declared.

This bill would expand the definition of a local agency to include any county office of education or community college district. It also would include a nonprofit organization which operates a private nonprofit facility, as defined, on a nondiscriminatory basis for purposes of disaster assistance associated with the October 17, 1989, earthquake.

The bill would limit certain allocations under the act to qualifying nonprofit organizations to $5,000,000.

Under the California Beverage Container Recycling and Litter Reduction Act, the Department of Conservation is required to expend 10% of the amount deposited in the Redemption Bonus Account in the California Beverage Container Recycling Fund during the previous 3 months for urban, rural, aquatic, and recreational litter abatement and recycling activities, and for recycling information, education, and promotion, in accordance with prescribed procedures.

This bill would, until July 1, 1990, permit the money received from the account by certified community conservation corps pursuant to those provisions, not to exceed a total of $1,500,000, to be expended pursuant to specified provisions for disaster assistance activities associated with the October 17, 1989, earthquake. The bill would require any money received as reimbursement by certified community conservation corps for those earthquake relief activities to be repaid to the account. Because money in the account is continuously appropriated, the bill would make an appropriation by making the money available for a new purpose.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 24 (AB 35) Cortese. Natural disaster assistance.

(1) Under the Natural Disaster Assistance Act, the Director of Emergency Services is required to administer a program which provides financial assistance to local agencies for the repair, restoration, or replacement of public real property of the agency that is damaged or destroyed by a natural disaster.

This bill would amend the Natural Disaster Assistance Act to do all of the following:

(a) Expand the definition of local agency to include county offices of education, community college districts, and private nonprofit organizations which operate a private nonprofit facility, as defined, on a nondiscriminatory basis.

(b) Expand the definition of projects eligible for assistance to include public facilities used solely for recreation purposes and limit the definition to real property of a local agency used for essential governmental services.

(c) Limit any allocations under the act to qualifying nonprofit organizations, to $5,000,000.

Since the bill would expand the circumstances in which continuously appropriated funds may be expended, it would constitute an appropriation.

(2) Under the California Beverage Container Recycling and Litter Reduction Act, the Department of Conservation is required to expend 10% of the amount deposited in the Redemption Bonus Account in the California Beverage Container Recycling Fund during the previous 3 months for urban, rural, aquatic, and recreational litter abatement and recycling activities, and for recycling information, education, and promotion, in

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accordance with prescribed procedures.

This bill would, until July 1, 1990, permit the money received from the account by certified community conservation corps pursuant to those provisions, not to exceed a total of $1,500,000, to be expended pursuant to specified provisions for disaster assistance activities associated with the October 17, 1989, earthquake. The bill would require any money received as reimbursement by certified community conservation corps for those earthquake relief activities to be repaid to the account. Because moneys in the account are continuously appropriated, the bill would make an appropriation by making the money available for a new purpose.

(3) This bill would declare it is to take effect immediately as an urgency statute.

Ch. 25 (SB 14) Morgan. Schools: apportionments.

Existing law prohibits school districts, except newly formed districts, from receiving any apportionment based upon average daily attendance from the State School Fund, unless it has maintained the regular school days of the district for at least 175 days during the preceding fiscal year.

Existing law exempts districts from the 175-day school year requirement if the district has been prevented from maintaining its schools due to prescribed emergency or extraordinary conditions. Existing law also exempts districts that, in the absence of one or more of the prescribed emergency or extraordinary conditions, would have qualified for funding provided under specified provisions of existing law authorizing districts to receive additional apportionments for maintaining an instructional year of 180 or more days, as prescribed.

This bill would, in addition, exempt districts that, in the absence of the October 17, 1989, earthquake, would have qualified for funding provided under the provisions of existing law authorizing districts to receive additional apportionments for maintaining an instructional year of the minimum annual instructional time required, including the maintenance of a longer instructional day for special day classes for individuals with exceptional needs. This bill would require that lost instructional time be made up unless waived for sufficient reason by the superintendent. This provision would become inoperative on July 1, 1991, and be repealed on January 1, 1992.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 26 (SB 39) Mello. Redevelopment.

Under the Community Redevelopment Law, a redevelopment plan may contain a provision that taxes, if any, levied upon taxable property in a redevelopment project each year by or for the benefit of a taxing agency after the effective date of the ordinance approving the redevelopment plan, are required to be divided among those taxing agencies and the redevelopment agency according to specified procedures. Existing law requires that portion of taxes required to be allocated to the redevelopment agency be paid to the agency by the county auditor or officer responsible for the payment of taxes into the funds of the respective taxing agencies.

This bill would impose a state-mandated local program by revising those procedures for determining the portion of taxes to be paid to the redevelopment agencies of the Cities of Santa Cruz and Watsonville for certain redevelopment projects which were already approved on or before October 17, 1989.

The bill would also create a state-mandated local program by requiring the redevelopment agency for the City of Watsonville, in claiming an allocation of taxes for the redevelopment project in the City of Watsonville specified in this bill, to consider the economic impact of the allocation on other agencies which have sustained substantial disaster damage, and to negotiate and enter into agreements, as specified, with the County of Santa Cruz to avoid further economic hardship.

The bill would exempt the merger or amendment of certain redevelopment plans of the Cities of Santa Cruz and Watsonville from specified procedures required under the Community Redevelopment Law. The bill would also exempt redevelopment plans for disaster-related projects adopted, amended, or merged by those cities from the provisions of the California Environmental Quality Act, as specified.

Under the Community Redevelopment Law, a redevelopment plan for a project area

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is required to be adopted in accordance with procedures for the transmittal of the map of the project area to county officials and certain taxing agencies, the creation of a fiscal review committee if the plan utilizes tax increment financing, and the submission by the redevelopment agency to the legislative body of a detailed report on the redevelopment plan. Existing law, as stated above, also specifies the formula required to be used in apportioning the amount of taxes between the redevelopment agency and the taxing agencies under a redevelopment plan utilizing tax increment financing.

This bill would expressly exempt the adoption of a redevelopment plan for an area of the City of Oakland known as West Oakland, as defined, from those procedural requirements. The bill would revise the formula required to be used in apportioning the amount of taxes between the Redevelopment Agency of the City of Oakland and the taxing agencies under that plan. The bill would also exempt the redevelopment plan adopted by the City of Oakland from the provisions of the California Environmental Quality Act. The bill would state that the adoption of this redevelopment plan pursuant to these provisions does not preclude any of the transportation alternatives presently under study by the Department of Transportation for the permanent replacement of the Interstate 880 Cypress viaduct.

The bill would make its provisions operative on July 1, 1990.

The bill would state that its provisions constitute necessary special legislation, based upon specified legislative findings and declarations.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 27 (AB 3) Farr. Schools: apportionments.

Existing law provides for school districts to receive apportionments based on average daily attendance, as specified.

This bill would permit the Pajaro Valley School District to use 97.8% of its average daily attendance for the second school month of the 1989–90 school year for calculation of its second principal apportionment for the 1989–90 school year in consideration of long-term enrollment loss it suffered as a result of the October 17, 1989, earthquake.

Existing law requires the Superintendent of Public Instruction to estimate average daily attendance for school districts for any fiscal year in which the school district establishes the fact that average daily attendance was materially decreased by specified emergency conditions.

Existing law also provides that in computing the fiscal year average daily attendance, the prior fiscal year's average daily attendance shall be adjusted by loss or gains due to reorganization or transfer of territory.

This bill would preclude the Pajaro Valley Unified School District from using specified existing law in calculating average daily attendance for the 1989–90 and 1990–91 fiscal years.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 28 (AB 5) Eastin. Metropolitan Transportation Commission: emergency transportation plan: funding.

(1) Under existing law, the Metropolitan Transportation Commission is responsible for, among other things, transportation planning for the San Francisco Bay area and for the allocation of funds to transit entities in the area of its jurisdiction. Existing law requires the commission to develop an emergency transportation system management plan which defines the continuing emergency services required during reconstruction of highway facilities rendered inoperable by the October 17, 1989, earthquake.

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This bill would require that plan to remain in effect for the period of time needed to restore the damaged sections of State Route 880 in Alameda County and State Route 280 and the Embarcadero Freeway in San Francisco.

The bill would appropriate $3,115,000 from the Disaster Relief Fund to the commission, and would impose a state-mandated local program by requiring the commission to allocate those funds to the Department of Transportation, transit operators, and other entities with which the commission contracts, for ongoing operating and capital costs associated with providing emergency bus, rail, and ferry services, including possible rail services across the Dumbarton Bridge, and public information programs necessary to implement the emergency transportation system management plan developed by the commission. The bill would also authorize the commission to allocate funds to transportation agencies in San Benito, Monterey, and Santa Cruz Counties for the operating and capital costs associated with emergency bus and rail transit services provided as a result of earthquake damage in those counties, and for interregional bus service between Santa Clara County and Santa Cruz. The bill would prohibit any allocation for those purposes after December 31, 1990.

(2) The bill would declare legislative intent concerning related matters.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund.

(4) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 29 (SB 27) Mello. Community facilities districts.

The existing Mello-Roos Community Facilities Act of 1982 authorizes the formation of community facilities districts, and the issuance of bonds and the levying of special taxes thereunder, to finance designated public facilities and services.

Under existing law, if a petition signed by 25% or more of the registered voters residing in the district, or by the owners of 25% or more of the territory within the district, is filed with the legislative body requesting that proceedings be commenced to change the types of public facilities or services financed by the district or that the rate or method of apportionment of an existing special tax be changed, or that a new special tax be levied, the legislative body is required to within 40 days thereafter adopt a resolution to make those changes within the community facilities district except as specified.

This bill would permit a district to, in addition, pay for any work necessary to bring buildings into compliance with seismic safety standards, as specified.

The bill would also permit, within counties designated by the President of the United States as disaster areas, a district to pay for any work deemed necessary to reconstruct, repair, shore up, or replace any building damaged or destroyed by the earthquake which occurred on October 17, 1989, or by its aftershocks, as specified.

By requiring a community facilities district to undertake these additional activities if petitioned to do so by a specified number of voters, the bill would create a state-mandated local program.

This bill would also permit work on, including reconstruction or replacement of, a privately owned building, within a specified community facilities district, to be financed by a tax levy if all votes cast on the question of levying the tax, vote in favor of levying the tax.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 30 (SB 46) Lockyer. Liability: building inspections.

Existing law does not provide immunity from liability for architects and engineers who inspect buildings.

This bill would provide that an architect or engineer who voluntarily, without compensation or expectation of compensation, provides structural inspection services at the scene of a declared national, state, or local emergency caused by a major earthquake at the request of a public official, public safety officer, or city or county building inspector acting in an official capacity shall not be liable in negligence for any personal injury, wrongful death, or property damage caused by the good faith but negligent inspection of a structure used for habitation or owned by a public entity for structural integrity or nonstructural elements affecting health and safety. This immunity would apply to inspections within 30 days of the earthquake, and would not apply to gross negligence or willful misconduct.

The bill would declare that it would take effect immediately as an urgency statute.

Ch. 31 (AB 15) Cortese. Seismic safety: public buildings.

The Earthquake Safety and Public Building Rehabilitation Bond Act of 1990 authorizes the issuance of state general obligation bonds in the amount of $300,000,000 to provide funds for the reconstruction, repair, replacement, relocation, or seismic retrofitting of buildings owned by local governments or the state.

Existing law provides that, upon appropriation by the Legislature, up to 1% of the moneys deposited in the Earthquake Safety and Public Buildings Rehabilitation Fund of 1990, pursuant to the issuance of the general obligation bonds, may be used by the Seismic Safety Commission, to research methods, techniques, and technologies to identify and analyze existing potentially hazardous buildings and facilities, including, but not limited to, unreinforced masonry construction. Existing provisions also authorize the commission to use those funds for purposes of researching and developing methods, techniques, and technologies for seismic safety retrofitting of the buildings, as well as helping to develop and prepare building standards and administrative regulations relating to the retrofitting of the buildings for seismic safety purposes.

This bill would, in accordance with this authority, appropriate from the Earthquake Safety and Public Buildings Rehabilitation Fund of 1990 to the commission, $140,000 for use during the 1990–91 fiscal year for the purpose of establishing guidelines for the administration and disbursement of funds.

This bill would take effect immediately as an urgency statute.

Ch. 32 (SB 48) Mello. Earthquake repair funds.

Existing law establishes the Disaster Relief Fund, which is continuously appropriated for purposes of funding disbursements made for response to and recovery from the earthquake, aftershocks, and any other related casualties.

This bill would appropriate $2,553,000 from the Disaster Relief Fund to the Department of Commerce, to pay the 25% local match required to receive specified federal grants for 5 specified projects in the area damaged in the Loma Prieta earthquake.

The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 33 (SB 49) Dills. Disaster relief.

(1) Under the Natural Disaster Assistance Act, the Director of the Office of Emergency Services is required to administer a program which provides financial assistance to local agencies for the repair, restoration, or replacement of public real property of the agency that is damaged or destroyed by a natural disaster.

Existing law includes, within the definition of local agency, private nonprofit organizations which operate a private nonprofit facility, as defined, on a nondiscriminatory basis.

This bill would, except as specified in the bill, remove private nonprofit organizations from the definition of a local agency.

(2) The bill would, however, specify that, for purposes of disaster assistance associated with the October 17, 1989, earthquake, a private nonprofit organization eligible for

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disaster assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act would also be eligible for, and may receive, assistance under the Natural Disaster Assistance Act. It would specify that this provision would apply only to private nonprofit organizations which have filed with the Office of Emergency Services, in accordance with the final deadline established by that office, a notice of interest, as defined.

The bill would repeal this provision as of January 1, 1992, but would specify that its repeal would not affect assistance to any private nonprofit organization qualifying under the bill.

(3) This bill would also make technical, clarifying changes by repealing various duplicative or overlapping provisions added by Chapter 23 of the 1989–90 First Extraordinary Session.

Ch. 34 (AB 16) Cortese. Seismic safety: health facilities.

Existing law authorizes the Office of Statewide Health Planning and Development, subsequent to the occurrence of any earthquake, to make or cause to be made, studies of health facilities within the area involved.

This bill also would require the office, in cooperation with other specified public entities and representatives from the health care industry, to design a policy study identifying health care services required during and after a disaster and seismic standards for those services, and a financial strategy which would enable identified settings to meet those standards. It would require the design of the study to include an assessment of the capacity, efficacy, and demand for medical services provided in nonhospital settings following a disaster. This bill would appropriate $25,000 from the Hospital Building Account of the Architecture Public Building Fund to the office to design the study.

Ch. 35 (AB 53) Elder. STRS and PERS loans: natural disaster damage: home repair or rebuilding.

The existing State Teachers' Retirement Law and Public Employees' Retirement Law authorize, respectively, the State Teachers' Retirement System and the Public Employees' Retirement System to provide various benefits to members and annuitants and to invest the assets of those systems.

This bill would authorize those systems to each establish a loan program to assist currently employed members and retirees to obtain loans for the sole purpose of repairing damages caused by a natural disaster to their homes or rebuilding those homes, subject to specified conditions.

Ch. 36 (AB 9) Epple. Repair fraud.

(1) Under existing law, acting as an architect, engineer, or contractor without appropriate licensure is a misdemeanor.

This bill would impose a state-mandated local program by making these and related offenses punishable as either a misdemeanor or a felony, as specified, if committed in connection with the offer to perform, or the performance of, services for repair of damage caused to a structure by natural disasters for which a specified state of emergency is proclaimed by the Governor or for which a specified emergency or major disaster is declared by the President.

(2) Nothing in existing law provides a sentence enhancement with respect to misdemeanors or felonies committed as part of a plan or scheme to defraud the owner of a residential or nonresidential structure in connection with the offer to perform, or the performance of, repairs for damage caused by a natural disaster for which the Governor has proclaimed a state of emergency or the President has declared an emergency or major disaster.

This bill, with certain exceptions, would double the amounts of fines that can be imposed for certain offenses under those circumstances, would additionally require the defendant to make full restitution subject to the defendant's ability to pay, would add a one-year enhancement if the offense is a felony and the defendant has a prior felony conviction of such an offense, and would require probation to be at least 5 years or until

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restitution is made. By changing crimes and penalties, the bill would impose a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would declare that it is to take effect immediately as an urgency statute.

Ch. 37 (SB 30) Mello. Earthquake assistance: local sales tax: transmittals. [45]

The existing Bradley-Burns Uniform Local Sales and Use Tax Law provides that sales and use taxes collected by the State Board of Equalization for any city, city and county, redevelopment agency, or county pursuant to contract shall be transmitted to those entities at least twice in each calendar quarter. Existing law also provides that the Santa Cruz Metropolitan Transit District may adopt a retail transactions and use tax pursuant to the existing Transactions and Use Tax Law. Pursuant to that law, the State Board of Equalization is similarly required to transmit collected revenues to the district at least twice in each calendar quarter.

This bill would provide with regard to transmittals of tax revenues to each city, county, and city and county, within the disaster area designated by the President of the United States as a result of the earthquake of October 17, 1989, and the Santa Cruz Metropolitan Transit District, the board shall, as provided, calculate the difference between the amount paid in transmittals to those cities, counties, cities and counties, and that district, for the 4th calendar quarter of 1989 and the first calendar quarter of 1990, and corresponding transmittals for the 4th calendar quarter of 1988 and the first calendar quarter of 1989, and certify the amounts of the differences to the Controller. This bill would require the Controller to transmit to those cities, counties, cities and counties, and that district, within 10 days of a request, as provided, the amounts of the differences, except as specified. This bill would provide that on July 1, 1992, that regular transmittals of sales tax revenues to each city, county, city and county, and that district be reduced, as specified, over a 5-year period, in an amount equaling the total amount of additional transmittals received by the city, county, city and county, or district plus interest, as provided.

This bill would fund the additional required transmittals through the transfer of $10,000,000 from the Special Fund for Economic Uncertainties to a specified fund established by the bill, and would continuously appropriate moneys in the specified fund for purposes of the additional transmittals, without regard to fiscal years.

This bill would declare that it is to take effect immediately as an urgency statute.

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DIGESTS OF RESOLUTIONS AND PROPOSED CONSTITUTIONAL AMENDMENTS ADOPTED IN 1990

1989–90 REGULAR SESSION

RESOLUTION CHAPTERS

Res. Ch. 1 (SCR 75) C. Green. Public retirement systems: IRC limitations: 1989 Chapters 1305 and 1448: legislative intent.

This measure expresses 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 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 limitations, and that they be so notified and, in particular, that specified language in Sections 21200.01 and 31673.1 of the Government Code apply the private sector payment limitations of Section 415 of the Internal Revenue Code to all 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.

Res. Ch. 2 (ACR 103) Mojonnier. The Joint Committee on Surrogate Parenting.

This measure would reestablish the Joint Committee on Surrogate Parenting until November 30, 1990, and would extend the deadline for making its reports to the Legislature to that date.

Res. Ch. 3 (ACR 105) Hansen. Women's History Month and International Women's Day.

This measure would designate the month of March 1990 as Women's History Month and would urge all Californians to join in the celebration of International Women's Day on March 8, 1990.

Res. Ch. 4 (AJR 52) Hauser. United States Forest Service timber: export ban.

This measure would memorialize the President, the Secretary of Agriculture, and the Congress to establish a permanent statutory export ban on unprocessed timber owned by the United States Forest Service. The measure would memorialize the President and the Congress to enact legislation, as specified.

Res. Ch. 5 (ACR 95) Eaves. State park rangers.

This measure would recognize and commend state park rangers for their 125 years of continued public service and protection of state parks and would encourage the Department of Parks and Recreation and specified associations to take appropriate action to celebrate the 125 year anniversary.

Res. Ch. 6 (ACA 29) Leslie. Public finance.

Existing provisions of Section 6 of Article XVI of the California Constitution provide that the Legislature has no power to give, lend, or authorize the giving or lending of the credit of the state or any political subdivision of the state, that counties, cities, and other political subdivisions of the state are not prohibited from joining other agencies to provide workers' compensation and other liability loss or insurance arrangements, that the use of state money or credit to aid veterans is not prohibited, that other specified governmental financial transactions are not prohibited, and that the Legislature has no power to authorize the state or any political subdivision to subscribe for stock or to become a stockholder in any corporation whatever, with specified exceptions.

This measure would make another exception permitting the Legislature by statute to 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 by the Legislature, subject to the same obligations and liabilities as are imposed by law, upon all other stockholders in these corporations. This measure would expressly state that these provisions shall not be construed to repeal or otherwise affect a statute which denies professional rights, privileges, and powers to corporations and other artificial legal entities.

Res. Ch. 7 (AJR 73) Roos. Armenian genocide: 75th anniversary: national day of remembrance.

This measure would memorialize the President and Congress to support and adopt specified congressional measures which would establish a national day of remembrance for the 1,500,000 victims of the Armenian genocide that occurred from 1915 to 1923.

Res. Ch. 8 (SJR 40) Campbell. Israeli peace initiative.

This measure would commend the work of the President of the United States, the United States Secretary of State, and Members of the United States Congress for supporting Israel's plan for free and democratic elections.

Res. Ch. 9 (ACR 109) N. Waters. California School Lunch Week.

This measure would proclaim the week of March 12 to 18, 1990, as California School Lunch Week, commend the school lunch program as a valuable tool in the educational process, and acknowledge the contributions the agricultural products from California have made to the success of the school lunch program.

Res. Ch. 10 (ACR 86) N. Waters. State Route 88: John G. Meyer Overlook.

This measure would designate the scenic overlook on State Highway Route 88 in Alpine County the John G. Meyer Overlook.

The measure would also direct the Department of Transportation to determine the cost of erecting appropriate plaques and markers and, upon receiving donations from private sources covering that cost, to erect the plaques and markers.

Res. Ch. 11 (SCR 80) Killea. Coastal Awareness Year.

This measure would declare 1990 to be "Coastal Awareness Year."

The measure would also encourage participation in activities sponsored by California's official tall ship, the Californian, and other activities designed to promote a healthy and productive coastal environment.

Res. Ch. 12 (ACR 78) Hauser. Timber industry: museum.

This measure would request 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 to encourage the participation of specified persons and entities in the preparation of the study and related activities.

Res. Ch. 13 (ACR 113) Katz. California Holocaust Memorial Week.

This measure would designate the week of April 22 through April 29, 1990, as California Holocaust Memorial Week, and would urge Californians to observe these Days of Remembrance for the Victims of the Holocaust in an appropriate manner.

Res. Ch. 14 (ACR 121) Leslie. Victims of Pornography Week.

This measure would resolve that Members of the California Legislature work together to protect all members of society, and especially innocent children, from becoming victims of pornography, and would request that the Governor annually proclaim the second week of May as "Victims of Pornography Week."

Res. Ch. 15 (SCR 73) Kopp. Colonel William R. "Bill" Lucius Highway.

This measure would designate the portion of State Highway Route 101 from the Sonoma County line to south of Healdsburg, as specified, as the Colonel William R. "Bill" Lucius Highway.

The measure would also direct the Department of Transportation to determine the cost of erecting appropriate plaques and markers showing this special designation and, upon receiving donations from private sources covering that cost, to erect those plaques and markers.

Res. Ch. 16 (ACR 130) Katz. Earthquake Preparedness Month.

This measure would proclaim the month of April, 1990, as California Earthquake Preparedness Month, and urge all Californians to engage in appropriate earthquake

safety-related activities during that month.

Res. Ch. 17 (SCR 95) Ayala. Designated Driver Week.
This measure would designate the fourth week of April of this year and every year thereafter as Designated Driver Week.

Res. Ch. 18 (AJR 7) Elder. Leveraged buy outs.
This measure would memorialize the President and the Congress of the United States to require the Securities and Exchange Commission to determine and make public specified information concerning proposed leveraged buy outs.

Res. Ch. 19 (AJR 91) Roos. The Lithuanian people.
This measure would commend 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 would make specified legislative findings and declarations regarding Lithuania.

Res. Ch. 20 (ACR 102) Katz. Earth Day.
This measure would designate and proclaim April 22, 1990, as California Earth Day, and encourage all Californians to help organize and participate in its activities and to consider including in their daily lives those activities which promote its goals.

Res. Ch. 21 (SCR 61) Keene. Leo Stanley Hulett Highway.
This measure would designate the portion of State Highway Route 101 proposed for bypassing the City of Willits, from ½ mile south of Haehl Overhead to ½ mile north of Reynolds Highway, the Leo Stanley Hulett Highway.
The measure would also direct the Department of Transportation to determine the cost of appropriate plaques and markers showing this special designation and, upon receiving donations from nonstate sources covering that cost, to erect appropriate plaques and markers, upon completion of the bypass.

Res. Ch. 22 (SCR 77) Rosenthal. Occupational health and safety: Workers' Memorial Day.
This measure would proclaim April 28, 1990, to be Workers' Memorial Day, and would resolve that Californians be encouraged to observe the day in an appropriate manner.

Res. Ch. 23 (ACR 115) Pringle. Southeast Asia Massacre and Genocide Remembrance Week.
This measure would proclaim April 29 through May 5, 1990, as Southeast Asia Massacre and Genocide Remembrance Week.

Res. Ch. 24 (AJR 50) Pringle. Relative to Amerasian family reunification.
This measure would memorialize the President and Congress to direct the Secretary of State to design and implement a program for the reunification of Amerasian refugees and refugees from other countries and their families, friends, and volunteer support groups, based on the confidential collection and dispersal of relevant information.

Res. Ch. 25 (AJR 68) Speier. Azerbaijan.
This measure would memoralize the President of the United States to immediately convey to the Soviet Union and its president 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 Armenian people in Baku accountable to the fullest extent of the law.

Res. Ch. 26 (ACR 141) Hughes. California State Science Fair.
This measure would declare that the California State Science Fair held at the California Museum of Science and Industry is the official state science fair for California.

Res. Ch. 27 (SCR 46) Roberti. Small business development.

This measure would resolve that the Small Business Development Board within the Department of Commerce conduct a comprehensive study on financial obstacles to small business development, as specified, and an overview of the public-private approaches which may be used to overcome these obstacles.

This measure would resolve that the board create a Task Force on Small Business Capital Formation to provide input into this study, that the membership of the task force be constituted according to specified criteria, and that the task force terminate on November 30, 1990, or upon completion of the study, unless the Legislature, by resolution, deletes or extends that date. The measure would provide that no General Fund moneys shall be expended on the task force.

Res. Ch. 28 (SCR 96) Roberti. Prevent-A-Litter Month: April 1990.

This measure would proclaim April 1990 as Prevent-A-Litter Month.

Res. Ch. 29 (SCR 102) Killea. Water Awareness Month.

This measure would declare the month of May 1990, to be Water Awareness Month, and would urge all citizens to support water agencies in their efforts to increase the water awareness of the residents of California.

Res. Ch. 30 (AJR 43) Lempert. Dredged material: ocean disposal.

This measure would memorialize 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, with a specified exception, the ocean disposal of any material found to be toxic and 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 or at depths greater than 1,000 fathoms, except as specified; to direct the U.S. Army Corps of Engineers to cooperate with state agencies currently responsible for the management of coastal waters to establish safe sites for disposal of dredged material; and to direct the U.S. Army Corps of Engineers and the Environmental Protection Agency to utilize discretionary funds sufficient to conduct environmental studies relative to siting of ocean disposal locations for specified dredged material.

Res. Ch. 31 (AJR 89) Friedman. Soviet Jews.

This measure would memorialize President Mikhail Gorbachev of the Soviet Union to publicly condemn a specified extremist organization and all forms of anti-Semitism in the Soviet Union.

This measure would memorialize the President of the United States, the Secretary of State, the Congress of the United States, and all other federal officials to take all possible steps to ensure that Soviet police provide full protection to Soviet Jews and arrest and prosecute all perpetrators of anti-Semitic violence; to insist that the United States withhold any waiver or repeal of specified trade restrictions until President Gorbachev allows direct airplane flights to Israel for all Soviet Jews who wish to emigrate to that nation; and to take immediate steps to lift quotas on the emigration of Soviet Jews and other minority groups to the United States.

Res. Ch. 32 (ACR 157) Farr. California Tourism Day.

This measure would designate May 14, 1990, as California Tourism Day. The measure would also commend the efforts of various public and private groups in ensuring the success of the tourism industry.

Res. Ch. 33 (SCR 53) Russell. State Highway Route 138: relocation studies.

This measure would request the Cities of Palmdale and Los Angeles and the County of Los Angeles 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.

Res. Ch. 34 (AJR 8) Elder. Long Beach Naval Shipyard.
This measure would urge the President and Congress of the United States to continue the vital role which 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.

Res. Ch. 35 (ACR 135) Speier. Small Business Week.
This measure would provide that the Legislature salutes California small business owners during the week of May 6 through May 12, 1990, which has been proclaimed California Small Business Week.

Res. Ch. 36 (ACR 143) Pringle. Older Californians.
This measure would memorialize all California citizens to recognize and appreciate the numerous contributions made by older Californians, during May 1990 and throughout 1990, by engaging in appropriate observances and activities.

Res. Ch. 37 (SCR 40) Craven. Insurance: living benefits.
This measure would memorialize life and disability insurance companies to investigate the feasibility of selling policies that provide a "living benefits" program of making loans to insureds, to be paid from the proceeds of the policy. It would memorialize the Department of Insurance and the Franchise Tax Board to cooperate with the private insurance industry in determining what regulatory or tax and consumer considerations are involved, and request the Department of Insurance to assist in disseminating copies of the measure to life and disability insurance companies within this state.

Res. Ch. 38 (SCR 54) Petris. Student body organizations supplying access to legal counsel.
This measure would reaffirm the Legislature's support of the students' right to access legal counsel and representation to assist students and student body organizations of the California State University (CSU), and requests CSU to reaffirm its support of student access to legal counsel. The measure would request that a study be conducted and that a report be submitted to the Legislature by January 31, 1991.

Res. Ch. 39 (SCR 55) Boatwright. Delta water quality.
This measure would request the State Water Resources Control Board and the State Department of Health Services, with the cooperation of the Department of Water Resources, to conduct a study of the quality of drinking water available from the Sacramento-San Joaquin Delta, including specified matters, and to submit a report to the Legislature by June 30, 1991.

Res. Ch. 40 (SCR 101) Roberti. Museum Day.
This measure would designate May 18, 1990, as Museum Day in the State of California.

Res. Ch. 41 (ACR 148) Bentley. Democracy Day.
This measure would proclaim June 4, 1990, as Democracy Day in the State of California.

Res. Ch. 42 (AJR 66) Quackenbush. National historic trail designation: Juan Bautista de Anza.
This measure would memorialize the Congress of the United States to pass HR 1159 which would designate the Juan Bautista de Anza National Historic Trail.

Res. Ch. 43 (ACR 104) Hansen. Panama.
This measure would honor United States military personnel who participated in the invasion of Panama on December 20, 1989.

Res. Ch. 44 (AJR 84) Friedman. People's Republic of China.
This measure would declare June 4, 1990, as World Freedom Day, the 1st 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.

The measure would memorialize 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 would express 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 2-year period prior to seeking to adjust their status in the United States.

Res. Ch. 45 (SCR 107) Ayala. California Management Week.

This measure would designate the week of June 3 through June 9, 1990, as California Management Week.

Res. Ch. 46 (SJR 68) Presley. Air Force Space Systems Division: planned relocation.

This measure would memorialize the President and Congress of the United States, pursuant to plans to relocate the Space Systems Division of the Department of the Air Force from Los Angeles Air Force Base, to move that division to March Air Force Base.

Res. Ch. 47 (ACR 111) Hansen. Disability Employment Awareness Month.

This measure would proclaim the month of October 1990 as Disability Employment Awareness Month.

Res. Ch. 48 (SCR 78) Maddy. Senator Hugh M. Burns State Building.

This measure would officially designate a specified state building in the City of Fresno as the Senator Hugh M. Burns State Building.

Res. Ch. 49 (AJR 92) Ferguson. Recognition of Lithuania, Latvia, and Estonia.

This measure would memorialize the President and Congress of the United States to recognize the newly reestablished independent Government of Lithuania and the independence movements of Latvia and Estonia and request the people of California to join with the people of Lithuania, Latvia, and Estonia and other freedom loving people around the world in supporting their struggle for freedom.

Res. Ch. 50 (AJR 38) Elder. School land.

This measure would memorialize the President and Congress of the United States to recognize the right of the state to two school land sections within the Elk Hills Petroleum Reserve, and to make them available to the state.

Res. Ch. 51 (ACR 144) Katz. California Schoolbus Safety Awareness Month.

This measure would request the Governor to proclaim October 1990 as California Schoolbus Safety Awareness Month and encourage all citizens to promote the safety of schoolbuses and pupils.

Res. Ch. 52 (SJR 56) Deddeh. Transition Program for Refugee Children.

This measure would memorialize the President, the Vice President, and the Congress to support and appropriately fund the Transition Program for Refugee Children.

Res. Ch. 53 (SCR 76) Lockyer. California Law Revision Commission.

Existing law requires the California Law Revision Commission to file a report at each regular session of the Legislature containing a calendar of topics selected by it for study, including a list of studies in progress and a list of topics intended for future consideration, and, after the filing of the commission's first report, its studies are confined to topics set forth in the calendar contained in its last preceding report which are thereafter approved for its study, or referred to it for study, by concurrent resolution of the Legislature.

This measure would give legislative approval to the commission to continue its study of numerous, specified topics which the Legislature has previously authorized or direct-

ed the commission to study.

Res. Ch. 54 (ACR 101) Kelley. Transportation corridor: Riverside County: feasibility study.

This measure would request the Department of Transportation to conduct a feasibility study of a transportation corridor in western Riverside County, as specified, between State Highway Routes 215 and 15 connecting with the proposed Eastern or Foothill Toll Road in Orange County, and to complete the study by July 1, 1992. This measure would exclude from the feasibility study any proposal for toll facilities within the transportation corridor. The measure would provide that the costs of the study be fully paid by the Riverside County Transportation Commission.

Res. Ch. 55 (ACA 32) Costa. Motor vehicle fuels: tax revenues: exclusive public mass transit guideways.

Section 1 of Article XIX of the California Constitution restricts the use of revenues from state-imposed taxes on motor vehicle fuels for use in motor vehicles upon public streets and highways to street and highway purposes and for specified exclusive public mass transit guideway purposes.

This measure would include among the authorized use of those revenues the acquisition of rail transit vehicles and rail transit equipment which operate only on exclusive public mass transit guideways.

Res. Ch. 56 (ACA 38) Cortese. The Alcohol Abuse and Drug Education Tax Act of 1990.

Existing provisions of the California Constitution require the State Board of Equalization to assess and collect excise taxes as are or may be imposed by the Legislature on account of the manufacture, importation, and sale of alcoholic beverages in this state. The existing Alcoholic Beverage Tax Law imposes a specified excise tax on beer, wine, and distilled spirits.

This measure would impose an excise tax and an excise surtax at specified rates on beer, wine, and distilled spirits, as specified. It would provide that the taxes imposed by this measure replace and supercede the excise taxes previously imposed pursuant to statutes. It would provide that the taxes imposed by the measure are in lieu of all county, city (including a charter city), or district taxes on the sale of alcoholic beverages.

Existing provisions of Article XIII B of the California Constitution prohibit the annual appropriations subject to limitation, as defined, of any governmental entity from exceeding its annual appropriations limit, which is determined in a prescribed manner. For this purpose, "appropriations subject to limitation" of any governmental entity is defined to include any authorization to expend during a fiscal year the proceeds of taxes, as defined, levied by or for that entity.

This measure would provide that "proceeds of taxes" for the 1990–91 fiscal year do not include the excise surtaxes and floor stock taxes imposed in accordance to this measure and collected during that fiscal year. It would provide that the appropriations limit of the state for fiscal years beginning on or after July 1, 1991, shall be the appropriations limit for the 1990–91 fiscal year, as otherwise adjusted, and increased by the revenue received for the 1991–92 fiscal year from the excise surtax imposed by the measure.

This measure would also specify how the provisions of this measure shall operate in the event another measure which imposes taxes or surtaxes upon alcoholic beverages is also adopted at the same election. It would provide that a specified initiative measure, if adopted at the November 6, 1990, general election, would not apply to this measure.

Res. Ch. 57 (SCA 33) Rogers. Property taxation: new construction exclusion.

Under existing provisions of Article XIII A of the California Constitution, real property which is newly constructed after the 1975 assessment is subject to reassessment at its full cash value with respect to the new construction. Certain reconstruction of, or improvements to, real property are excluded from the term "new construction" and thereby are not subject to reassessment.

This measure would additionally permit the Legislature to exclude from the term

"new construction," except as specified, the construction or installation of seismic retrofitting improvements or improvements utilizing earthquake hazard mitigation technologies which are constructed or installed in existing buildings on or after the effective date of this measure. It would require the Legislature to define eligible improvements.

Res. Ch. 58 (ACR 118) Seastrand. Coastal resources planning and management: Morro Bay.

This measure would affirm the importance and value of Morro Bay, its estuary, and its environs to the people of California, and would declare that a long-range management plan should be developed for Morro Bay, its estuary, and surroundings.

The measure would support the nomination of Morro Bay as a National Estuary.

Res. Ch. 59 (SJR 67) Marks. Coastal waters: depth.

This bill would memorialize the Congress of the United States to appropriate the funds necessary for the National Ocean Survey of the National Oceanic and Atmospheric Administration to provide accurate soundings to update navigational charts with respect to the depth of California coastal waters as expeditiously as possible.

Res. Ch. 60 (SCR 91) Keene. Vallejo ferry service: funding.

This measure would urge the Metropolitan Transportation Commission to utilize eligible funds, subject to allocation by the commission, to fund the operation of the Vallejo ferry service to San Francisco, as specified.

Res. Ch. 61 (ACR 106) Kelley. Water reclamation projects study.

This measure would request the State Water Resources Control Board to submit within one year a report containing specified information relating to the application process for loans for water reclamation projects.

Res. Ch. 62 (ACR 116) Allen. Public Lands Conservation and Recreation Month.

This measure would declare June as Public Lands Conservation and Recreation Month and would encourage programs relating to recreational opportunities on public lands and conservation and protection of this resource.

Res. Ch. 63 (AJR 61) Elder. Federal Accounting Procedures.

This measure would memorialize 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.

Res. Ch. 64 (ACR 120) Bentley. Benjamin E. Polak Memorial Bridge.

This measure would designate the State Route 125/Fletcher Parkway bridge in San Diego County as the Benjamin E. Polak Memorial Bridge. The measure would request the Department of Transportation to determine the cost of erecting appropriate plaques and markers and to erect the plaques and markers upon receiving donations from private sources to cover that cost.

Res. Ch. 65 (ACR 123) Statham. Lieutenant John C. Helmick Memorial Rest Area.

This measure would designate the Corning rest area on State Highway Route 5 in Tehama County as the Lieutenant John C. Helmick Memorial Rest Area. The measure would request the Department of Transportation to determine the cost of erecting appropriate plaques and markers and to erect the plaques and makers upon receiving donations from private sources to cover that cost.

Res. Ch. 66 (ACR 124) Harris. Public programs: family centered systems.

Under existing law, state and local agencies perform certain public assistance, education, and health programs.

This measure would specify that the Assembly and Senate Offices of Research shall cooperate with the Family Welfare Research Group at the University of California in conducting the activities required to develop a model system of health, education, and

social services.

The measure would request that the Family Welfare Research Group share its findings, conclusions, and recommendations with the Legislature.

Res. Ch. 67 (AJR 12) Floyd. United States Census: Asian and Pacific Islander Americans.

This measure would memorialize the Congress and President of the United States to require the United States Bureau of the Census to include a separate category for Asian and Pacific Islander American groups in its postenumeration survey.

Res. Ch. 68 (AJR 74) Peace. Oil tankers: double hulls.

This measure would memorialize the Secretary of Transportation to require that double hulls be installed on all new tankers and those currently undergoing extensive repairs.

The measure would memorialize Congress to amend the Port and Tanker Safety Act to require double hulls or similar improvements to tanker design if the secretary fails to act administratively, and would memorialize Congress to amend the Port and Tanker Safety Act to require specified steps to help prevent oil spills. The measure would request Congress to keep in mind California's unique interests in protecting our coast from oil pollution

Res. Ch. 69 (AJR 78) Hauser. Maritime safety.

This measure would memorialize the President and Congress to support and enact legislation designed to promote maritime safety and enhance oilspill prevention and emergency response in the operation of tankers and other vessels in coastal waters, as specified.

Res. Ch. 70 (AJR 86) Friedman. Radiation and chemical contaminants.

This measure would memorialize the Congress of the United States to enact legislation amending the Atomic Energy Act to allow 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.

Res. Ch. 71 (AJR 87) Clute. Presidential Medal of Freedom: Martha Raye.

This measure would memorialize 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.

Res. Ch. 72 (AJR 88) Hauser. Ballast water.

This measure would memorialize the United States Coast Guard to adopt a regulation prohibiting the dumping of ballast water, as specified, in west coast waters.

Res. Ch. 73 (ACR 107) Campbell. San Francisco Bay wetlands.

This measure would urge the Governor to nominate San Francisco Bay wetlands, where the owner requests that the property be nominated, as a "Wetlands of International Importance."

Res. Ch. 74 (ACR 117) Hannigan. State highways: Route 80: excess property: sale or transfer.

This measure would urge the Department of Transportation to determine certain real property near State Highway Route 80 in Yolo County to be excess and to offer to sell or transfer the property to the Wildlife Conservation Board.

Res. Ch. 75 (SCR 83) Garamendi. Merit awards.

This measure would make additional merit awards to certain state employees whose proposals have resulted in annual savings and net revenue gain to the state, as specified.

Res. Ch. 76 (SJR 51) Kopp. Broadcasting emergency information.

This measure would urge the Federal Communications Commission to amend its rules governing the broadcasting of emergency information to require that the rules govern-

ing the broadcasting of emergency information by television stations be made applicable to cable television broadcasters.

Res. Ch. 77 (AJR 85) Clute. Veterans' center for Butte County.

This measure would memorialize the President and Congress to support the establishment of a veterans' center for Butte County to serve the large veteran population of the northern Sacramento Valley.

Res. Ch. 78 (ACR 125) Hunter. Highways: Temecula Valley Freeway.

This measure would designate that portion of State Highway Route 15 in Riverside County between the southern county boundary and Bundy Canyon Road the "Temecula Valley Freeway," superseding the designation of a portion of this segment of Route 15 as the Escondido Freeway, and would request the Department of Transportation to determine the cost of erecting appropriate plaques and markers and to erect the plaques and markers upon receiving donations from private sources to cover that cost.

Res. Ch. 79 (SCR 90) Keene. Highways: Eagle Prairie Bridge.

This measure would designate Bridge 4-15 on State Highway Route 283 between Rio Dell and Scotia the "Eagle Prairie Bridge." The measure would also direct the Department of Transportation to determine the cost of erecting appropriate signs and to erect the signs upon receiving donations from private sources covering that cost.

Res. Ch. 80 (SCR 85) Boatwright. Linus F. Claeys Freeway.

This measure would designate a specified segment of State Highway Route 80 in Contra Costa County as the Linus F. Claeys Freeway. The measure would request the Department of Transportation to determine the cost of erecting appropriate plaques and markers and to erect the plaques and markers upon receiving donations from private sources to cover that cost.

Res. Ch. 81 (AJR 63) Speier. Emergency broadcasts: deaf and hearing impaired.

This measure would memorialize 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.

Res. Ch. 82 (ACR 152) Epple. Red Ribbon Week.

This measure would proclaim October 20 through 28, 1990, as "Red Ribbon Week."

Res. Ch. 83 (ACR 138) Burton. Northern Ireland: retirement fund investments.

This measure would reaffirm the Legislature's support of the MacBride Principles of Fair Employment and direct the Office of the Auditor General to determine the extent to which United States firms in which state retirement system funds are invested and which 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 to submit a report to the Legislature on or before January 1, 1991.

Res. Ch. 84 (SJR 64) McCorquodale. Tuna product labeling.

This measure would memorialize the President and Congress of the United States to enact legislation to require the labeling of tuna products caught by methods harmful to dolphins, porpoises, whales, and other marine life, and would memorialize Congress, the President of the United States, and the tuna industry to explore alternative technologies to protect dolphins.

Res. Ch. 85 (SJR 72) C. Green. Desecration of the American Flag.

This measure would memorialize Congress to propose a constitutional amendment, for ratification by the states, which would specify that Congress and the states have the power to prohibit the physical desecration of the American Flag.

Res. Ch. 86 (AJR 64) Filante. The Earthquake Project.

This measure would memorialize the President and Congress of the United States to carefully study and consider the Earthquake Project, which has developed an act to provide for the establishment of a residential earthquake program and a federal reinsurance program to provide an economic safety net in the event of a major earthquake, and to carefully study and consider other proposed federal approaches.

Res. Ch. 87 (AJR 82) Speier. Fishing vessels.

This measure would memorialize the President and Congress of the United States to amend the federal law to permit permanent resident aliens to document and pilot commercial fishing vessels.

Res. Ch. 88 (SCR 87) Maddy. Health care costs: study.

This measure would require the Auditor General to 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.

Res. Ch. 89 (SJR 49) Ayala. Railroad retirement benefits.

This measure would memorialize the President and Congress of the United States to support and secure additional funding for the Railroad Retirement System.

Res. Ch. 90 (SJR 58) B. Greene. Unemployment insurance shortfall.

This measure would memorialize the Congress of the United States to take immediate steps to grant a supplemental appropriation to cover the federal unemployment insurance shortfall for the 1990 federal fiscal year.

Res. Ch. 91 (ACR 108) Murray. Child care programs.

This measure would require the Assembly Select Committee on Child Care and Child Abuse and the Senate Select Committee on Infant and Child Care and Development jointly to convene a task force to determine the feasibility and content of new regulations to be adopted by the State Department of Social Services which would set minimum measurable standards for quality in licensed child care programs and to report the findings to the Legislature by January 1, 1992.

The bill would further require the task force to review similar activities by other states.

Res. Ch. 92 (ACR 114) Farr. Peace Day.

This measure would make certain legislative findings and declarations and would urge each city, county, and city and county to proclaim annually the 3rd Sunday of May as "Peace Day."

Res. Ch. 93 (ACR 128) Campbell. Education: the long-term impact of legalization applicants upon adult and community college education.

This measure would request the Postsecondary Education Commission to assemble a task force to consider the long-term impact of legalization applicants upon adult and community college education and to make policy recommendations to the Legislature and the Governor before March 1992.

Res. Ch. 94 (ACR 129) Harris. Historical preservation decade.

This measure would proclaim the final decade of the 20th century to be the "California Decade of Preservation." The bill would urge individual citizens and public agencies to participate, as specified, in the expanded furtherance of historical preservation awareness and involvement during that decade.

Res. Ch. 95 (ACR 133) Vasconcellos. Education consortium for eastern Europe.

This measure would urge the universities and colleges of the State of California to collaborate in developing an education consortium for the emerging democratic leaders of eastern Europe.

Res. Ch. 96 (ACR 140) Floyd. Standardized tests.

This measure would express the encouragement of the Legislature to all testing organizations which offer college admissions achievement tests to create and offer second-language achievement tests in Asian languages. The measure would express the intent of the Legislature that, if the testing organizations fail to offer achievement tests in Asian languages within 3 years of the enactment of this measure, that the University of California, the California State University, and other 4-year colleges in the state shall not use any achievement tests as criteria for admission.

Res. Ch. 97 (ACR 149) Hayden. University of California: recycling of waste.

This measure would request the University of California to develop and implement integrated solid waste management programs, as specified.

Res. Ch. 98 (AJR 47) Isenberg. Utility ratepayer refunds.

This measure would memorialize the President and Congress of the United States to support and enact a law amending Section 203(e) of the federal Tax Reform Act of 1986 in order to permit federal and state utility regulatory commissions to require a return to ratepayers of federal taxes collected by utilities but no longer owed to the federal government.

Res. Ch. 99 (AJR 69) Moore. Federal labor laws.

This measure would memorialize the Congress of the United States to amend the National Labor Relations Act in regard to reinstatement of employees who are discharged for exercising their rights to participate in union activities, recognition of collective bargaining representatives, and meaningful protection of employee rights.

Res. Ch. 100 (AJR 71) Bentley. Retired teachers: health benefits.

This measure would memorialize Congress 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.

Res. Ch. 101 (AJR 72) Eastin. Federal contractors: application of state requirements.

This measure would memorialize the President and the Congress to specifically make state licensing laws and employee-protection laws applicable to federal contractors and subcontractors.

Res. Ch. 102 (AJR 79) Peace. Television broadcasts: program exclusivity.

This measure would memorialize the Congress of the United States to require the Federal Communications Commission to reconsider its adoption of the rules concerning syndicated exclusivity in the television broadcasting industry.

Res. Ch. 103 (AJR 80) Isenberg. North American Waterfowl Management Plan.

This measure would declare that the State of California supports the program of the Central Valley Habitat Joint Venture and its full implementation by the year 2000 and that the lead implementation agency for the state is the Department of Fish and Game.

Res. Ch. 104 (AJR 81) Peace. Savings and loan bondholders.

This measure would memorialize the President and Congress of the United States to oppose any legislation which would operate as a bailout with respect to bond purchases from the parent company of Lincoln Savings and Loan Association.

Res. Ch. 105 (AJR 83) Johnston. Deferred compensation: deposit insurance.

This measure would memorialize the United States Congress to amend federal tax laws and memorialize both the Congress and the Federal Deposit Insurance Corporation to retain full deposit insurance for deferred compensation plan funds deposited into savings associations.

Res. Ch. 106 (SCR 88) Robbins. County reports.

This measure would require the Senate Select Committee on Governmental Efficiency to review specific county reports, as those reports are identified by the County Supervisors Association of California from a monthly publication of the Legislative Counsel, or from other sources, and determine the feasibility of modifying or eliminating any reports or documents, to consider specified factors in making the report, and to submit a report of initial findings and recommendations to the Legislature by January 1, 1991.

Res. Ch. 107 (SCR 97) Hart. College entrance examinations.

This measure would request the College Entrance Examination Board to create and provide achievement tests in Asian and Pacific Island languages at the earliest possible time and to establish a task force or advisory committee from the Asian and Pacific Islander community or from groups that represent that community to assist in the development of the achievement tests.

Res. Ch. 108 (SJR 53) Marks. Military base closures.

This measure would memorialize the President and Congress to establish a new commission on base realignment and closure to include representatives of the military and the business communities in those states where key military installations are located.

Res. Ch. 109 (SJR 54) Roberti. Air transportation.

This measure would memorialize the President and Congress of the United States to support certain national transportation policies and the release of certain federal trust funds for aviation and airport use.

Res. Ch. 110 (SJR 60) McCorquodale. Bodie Mining District.

This measure would memorialize the President and Congress of the United States to direct the Secretary of the Interior to take specified steps to protect the ghost-town qualities, ambience, historic buildings, and viewshed of the Town of Bodie.

Res. Ch. 111 (SJR 62) Roberti. Civil rights.

This measure would memoralize the President and Congress of the United States to adopt and enact proposed legislation that is currently moving through Congress, which would restore and strengthen civil rights laws that ban discrimination in various situations, including employment.

Res. Ch. 112 (SJR 69) Mello. National health care plan.

This measure would memorialize the President and Congress of the United States to enact a national health care plan.

Res. Ch. 113 (SJR 70) McCorquodale. Corporations: governance.

This measure would memorialize the Securities and Exchange Commission to evaluate the corporate election process for the purpose of changing the federal rules for those elections, as specified.

Res. Ch. 114 (AJR 101) Leslie. McClellan Air Force Base: closure.

This measure would memorialize the President and Congress to direct the Secretary of Defense not to close McClellan Air Force Base.

Res. Ch. 115 (ACR 153) Hansen. Energy conservation and development: International Geothermal Association Secretariat.

This measure would recommend that the Governor establish a coordinating council under the State Energy Resources Conservation and Development Commission, with representatives from specified groups, to oversee efforts to locate the Secretariat of the International Geothermal Association in California.

The measure would commend and encourage the commission's efforts to bring the International Geothermal Association Secretariat to California.

Res. Ch. 116 (ACR 154) Bronzan. California Commission on Health Care Policy and Financing.

This measure would create the California Commission on Health Care Policy and Financing to advise the Legislature on health care problems and issues.

This measure would provide for the appointment of members of the commission, provide for the powers and duties of the commission, and provide for the funding of the commission. This measure would provide for the termination of the commission on September 1, 1995.

Res. Ch. 117 (ACR 156) Mojonnier. Vessels: registration: study of program.

This measure would request the Department of Boating and Waterways and the Department of Motor Vehicles to jointly conduct a study and report to the Legislature by January 1, 1992, to determine the economic feasibility of either transferring vessel registration functions from the Department of Motor Vehicles to the Department of Boating and Waterways or enhancing the existing program to improve service.

Res. Ch. 118 (ACR 159) Hannigan. Putah Creek Management Program.

This measure would request specified state agencies to assist the United States Fish and Wildlife Service in the formulation of the Putah Creek Management Program. These agencies would be directed to submit a report to the Legislature on the development and implementation of the program on or before June 30, 1992.

Res. Ch. 119 (ACR 160) Roos. Department of Transportation: transportation planning.

This measure would request the Department of Transportation to continue its long-term transportation planning efforts through the development of a multimodal, integrated strategic transportation plan.

Res. Ch. 120 (ACR 163) Speier. The Year of the Child.

This measure would request the Governor to proclaim 1990 as "The Year of the Child" in emergency medical services.

Res. Ch. 121 (ACR 164) Woodruff. Highways: Twentynine Palms Highway.

This measure would designate the portion of Route 62 from Interstate 10 to Route 177 as the Twentynine Palms Highway.

The measure would also request the Department of Transportation to determine the costs of erecting appropriate plaques and markers showing this designation and, upon receiving donations from nonstate sources covering those costs, to erect appropriate plaques and markers.

Res. Ch. 122 (ACR 173) Vasconcellos. Self-esteem.

This measure would urge 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 crime and violence to obtain the report published by the California Task Force to Promote Self-Esteem, and Personal and Social Responsibility, entitled "Toward a State of Esteem," to seek to implement the report's recommendations on promoting self-esteem and personal responsibility, and to advise appropriate state officers of successes and statistics regarding their implementation of the ideals of self-esteem.

Res. Ch. 123 (ACR 177) Vasconcellos. Self-esteem: teen pregnancy.

This measure would urge every person, group, institution, program, and publication involved in operating programs or otherwise seeking to address in either preventive or curative ways the consequences and challenges faced by pregnant and parenting teenagers to:

(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 assistance, including treatment of clients.

(4) Advise the appropriate state officers of successes and statistics regarding their implementation of the ideals of self-esteem.

Res. Ch. 124 (ACR 178) Vasconcellos. Self-esteem: leadership.

This measure would urge every person, group, institution, program, and publication involved in operating programs or otherwise seeking to address in either preventive or curative ways the many social problems which plague our nation to:

(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 assistance, including treatment of clients.

(4) Advise the appropriate state officers of successes and statistics regarding their implementation of the ideals of self-esteem.

Res. Ch. 125 (ACR 176) Vasconcellos. Self-esteem: welfare dependency.

This measure would urge 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 welfare dependency to:

(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 assistance, including treatment of clients.

(4) Advise the appropriate state officers of successes and statistics regarding their implementation of the ideals of self-esteem.

Res. Ch. 126 (SJR 26) McCorquodale. Fish and wildlife: water needs: studies.

This measure would memorialize the President and Congress of the United States to direct the Bureau of Reclamation to suspend its efforts to sell water from the Central Valley Project and to complete the determination of how much water is needed to mitigate the adverse effects of the project on fish and wildlife.

Res. Ch. 127 (SJR 57) C. Green. Earthquake insurance.

This measure would memorialize the United States Congress to support legislation to establish a national earthquake insurance program, as specified.

Res. Ch. 128 (SJR 61) Killea. Vehicles: multipurpose passenger vehicles: federal safety standards.

This measure would memorialize the President and Congress 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.

Res. Ch. 129 (SJR 66) C. Green. Bankruptcy: creditors committees.
This measure would memorialize the President and the Congress of the United States to enact legislation permitting 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.

Res. Ch. 130 (SCR 81) Morgan. Secretary of Child Development and Services.
This measure would request the Governor to appoint a cabinet-level Secretary of Child Development and Services to provide for cooperation and communication between providers of services to children, to cause a more effective use of state funds, and to examine the need for additional children's services.

Res. Ch. 131 (SCR 84) Hart. Valdez Principles: retirement investments.
This measure would request the Board of Administration of the Public Employees' Retirement System and the Teachers' Retirement Board to take shareholder action respecting the Valdez Principles, a code of conduct for corporate activities affecting the environment.

Res. Ch. 132 (SCR 89) Watson. Legislative Advisory Committee on Bioethics.
This measure would establish a Legislative Advisory Committee on Bioethics to consider certain subjects and report to the Legislature on not less than 3 subjects each calendar year. It would provide for the termination of the committee by January 1, 1992, if the committee has not received private grants, funds, or gifts adequate to initiate and sustain its operations.

Res. Ch. 133 (SCR 106) Watson. California Postsecondary Education Commission.
This measure would memorialize the California Postsecondary Education Commission to do a study and prepare a report and present policy recommendations, with respect to diversifying the ethnic, racial, disability, and gender composition of the faculty, as specified, 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.

Res. Ch. 134 (SCR 109) Davis. Valley Circle Interchange: task force.
This measure would create the Valley Circle Interchange Task Force, comprised of 6 members, appointed as specified, to study the Valley Circle Interchange project on the Ventura Freeway and its impact on Calabasas, Hidden Hills, Woodland Hills, and Los Angeles, to make recommendations concerning changes to and reinstatement of the project, and report its findings and recommendations to the Legislature and the Director of Transportation.

Res. Ch. 135 (SCR 115) Roberti. Sister state agreement: California and the Provence-Alpes-Cote d'Azur region of France.
This measure would declare the region of Provence-Alpes-Cote d'Azur of France as a sister state of California and would encourage the appropriate state officials to immediately contact the government of that region to negotiate a sister state agreement.

Res. Ch. 136 (SCR 116) C. Green. Vietnam veterans: Agent Orange exposure.
This measure would memorialize the President and the Congress of the United States to support and enact legislation to provide benefits to Vietnam veterans exposed to Agent Orange.

Res. Ch. 137 (SCR 117) Roberti. The ancient Library of Alexandria in Egypt.
This measure would commend the people and government of the Arab Republic of Egypt for undertaking the historical task of reviving the ancient Library of Alexandria, and would encourage organizations and individuals in the State of California to participate in and support the efforts of the government of the Arab Republic of Egypt to revive the ancient Library of Alexandria.

Res. Ch. 138 (AJR 65) Polanco. Broadcasting emergency information.

This measure would memorialize 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 the deaf and hearing impaired persons during emergencies and disasters.

Res. Ch. 139 (AJR 70) Moore. Cable television.

This measure would memorialize Congress and the President of the United States to consider proposals that would allow state and local governments to protect consumers from excessive rates and to ensure service quality.

Res. Ch. 140 (AJR 95) Polanco. Military base closures and realignments: community economic adjustment assistance.

This measure would memorialize the President and Congress 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 communities located near a military installation that is being closed or realigned or communities located near a military installation to which functions will be transferred as a result of that closure or realignment.

Res. Ch. 141 (AJR 105) M. Waters. World Summit for Children.

This measure would memorialize the President of the United States to take a leadership role on behalf of all children at the World Summit for Children, sponsored by the United Nations, and to support the goals and plans of the summit.

Res. Ch. 142 (AJR 108) W. Brown. National Collegiate Athletic Association.

This measure would request the President and 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.

Res. Ch. 143 (ACR 32) Farr. California Coast Bicycle Route.

This measure would designate the coastal bicycle route, as now established or hereafter modified, an official state bicycle route and request the Department of Transportation to maintain signs marking the route for experienced riders.

Res. Ch. 144 (ACR 35) Chacon. Legislative Task Force on District Elections.

This measure would provide for the appointment of a Legislative Task Force on District Elections by the Speaker of the Assembly and the Senate Committee on Rules to conduct a study of the desirability of district elections at the local level in this state and on changes, other than district elections, which would increase minority representation among local elected officials.

This measure would request cooperation from the Department of Finance and the Secretary of State. It would provide that the task force shall cease operation on January 31, 1991.

Res. Ch. 145 (ACR 132) Vasconcellos. Student exchange program between California and Eastern Europe.

This measure would urge 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, as specified.

Res. Ch. 146 (ACR 146) Clute. Housing fees.

This measure would direct the Department of Housing and Community Development to study the impact of developer fees imposed by local governments on the affordability of manufactured homes and rental housing, and to report its findings to the Legislature by January 1, 1992. The measure would state the intent of the Legislature that the costs of the study be funded from moneys in the continuously appropriated Mobilehome-Manufacturing Home Revolving Fund.

Res. Ch. 147 (ACR 166) Polanco. Military installations: environmental cleanup standards.

This measure would request the State Director of Health Services to develop and adopt environmental cleanup standards and guidelines, as specified, for use by local governments and for consideration by appropriate federal agencies with respect to California military base facilities scheduled for closure, and to submit the standards and guidelines to the Governor, the Legislature, and the United States Secretary of Defense by July 31, 1991.

Res. Ch. 148 (ACR 170) Farr. Relative to proclaiming California Coast Weeks and Adopt a Beach Coastal Cleanup Day.

This measure would proclaim September 15 through October 8, 1990, as California Coast Weeks, and would proclaim September 22, 1990, as Adopt a Beach Coastal Cleanup Day.

Res. Ch. 149 (ACR 171) Vasconcellos. Self-esteem and K–12 education.

This measure would urge every person, group, institution, program, and publication involved in operating programs or otherwise seeking to address the problems of K–12 education to obtain the report of the California Task Force to Promote Self-Esteem, and Personal and Social Responsibility and to seek to implement the recommendations of the report applicable to K–12 education. It would make specific requests of certain of those persons, groups, and institutions in regard to the task force report and its recommendations.

Res. Ch. 150 (ACR 172) Vasconcellos. Self-esteem and higher education.

This measure would urge every person, group, institution, program, and publication involved in operating programs or otherwise seeking to address the problems of higher education, to obtain the report of the California Task Force to Promote Self-Esteem, and Personal and Social Responsibility and to seek to implement the recommendations of the report applicable to higher education. It would make specific requests of certain of those persons, groups, and institutions in regard to the task force report and its recommendations.

Res. Ch. 151 (ACR 174) Vasconcellos. Self-esteem and drug and alcohol abuse.

This measure would urge every person, group, institution, program, and publication who or which is involved in operating programs or otherwise seeking to address in either preventative or curative ways, or both, the problems of drug and alcohol abuse to obtain a copy of the California Task Force to Promote Self-Esteem, and Personal and Social Responsibility report, "Toward a State of Esteem", seek to implement the recommendations of the report applicable to drug and alcohol abuse, incorporate the self-esteem and responsibility development ethic into every aspect of their programs, and advise the appropriate state officers of successes and statistics regarding their implementation of the ideals of self-esteem.

Res. Ch. 152 (ACR 175) Vasconcellos. Self-esteem and child abuse.

This measure would urge those involved in seeking to address the problems of child abuse to obtain the report of the Task Force to Promote Self-Esteem, and Personal and Social Responsibility, entitled "Toward a State of Esteem"; implement the recommendations of the report applicable to child abuse; and advise appropriate state officers with respect to this implementation, as specified.

Res. Ch. 153 (ACR 179) Vasconcellos. Self-esteem: governance.

This measure would urge every person, group, institution, program, and publication involved in operating programs or otherwise seeking to address in either preventive or curative ways the many social problems which plague our nation to:

(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 assistance, including treatment of clients.

(4) Advise the appropriate state officers of successes and statistics regarding their implementation of the ideals of self-esteem.

The measure would request the governor to send a copy of the task force report to 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, and to 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.

Res. Ch. 154 (ACR 183) Chandler. Radio broadcasts by California State University, Chico.

This measure would state 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 broadcast service area and that Southern Oregon State College cease its attempts to expand its broadcasting system into Redding.

Res. Ch. 155 (SCA 37) Seymour. Property taxes.

Existing provisions of the California Constitution, with certain exceptions, place a limitation on ad valorem taxes on real property of 1% of the full cash value of that property. For purposes of this limitation, full cash value is defined as the assessor's valuation of real property as shown on the 1975–76 tax bill under "full cash value" or, thereafter, the appraised value of that real property when purchased, newly constructed, or a change in ownership has occurred after the 1975 assessment. Existing constitutional provisions also authorize the Legislature to provide for the manner in which a person of low or moderate income who is 62 years of age or older and a disabled person may postpone payments of property taxes on his or her principal residence. It requires the Legislature to provide by law for state subventions to local agencies for revenues lost by reason of the postponement of taxes.

This measure would additionally authorize the Legislature to provide by law for the manner in which a low-income tenant or tenants, acquiring as a principal place of residence the property in which they live, may postpone increases in ad valorem property taxes attributable to the reappraisal of that residential property, including a mobilehome or mobilehome park, upon the change in ownership. This measure would also provide that in no event shall the total of the postponed taxes pursuant to this authorization, and the full amount of property tax assessments for the current fiscal year, exceed 90% of the equity held by the owner or owners, as specified, in the property. It would also make the requirement for subventions to local agencies inapplicable to revenues lost by reason of the postponement of property taxes pursuant to this measure.

Res. Ch. 156 (SCR 103) Torres. Student retention in higher education.

This measure would request the California Postsecondary Education Commission to conduct and complete, no later than October 31, 1992, a study on student retention and the University of California and the California State University, with specific regard to retention and graduation of women, students with disabilities, and students from nonwhite racial or ethnic groups. The measure would also request the University of California and the California State University, by June 1993, to provide the California Postsecondary Education Commission with student retention data, as specified.

Res. Ch. 157 (SCR 113) Ayala. Department of Transportation: District 8: office facilities.

This measure would request the Department of Transportation 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 specified matters, and to report thereon to the Legislature by July 1, 1991.

Res. Ch. 158 (SCR 114) Alquist. Supplemental Report on the 1990 Budget Bill.

This measure would declare 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. The measure would also declare that the report shall be interpreted as the intent of the Legislature by the various agencies of state government affected by the statements contained in the report. The measure would require the Legislative Analyst to transmit copies of the appropriate parts of the report to the agencies to which the report is directed.

Res. Ch. 159 (SCR 118) Robbins. Relative to Oat Mountain Conservation Corps.

This measure directs the California Conservation Corps to keep the Oat Mountain Conservation Corp Center open, and to consider alternative budget reductions in the form of administrative costs reduction.

Res. Ch. 160 (SJR 65) Presley. Television violence.

This measure would memorialize the President and Congress of the United States to support and enact legislation which would encourage networks, cable television, local stations, producers, and industry trade groups to write and to apply voluntary guidelines on television violence in nonnews broadcasts and cable programs.

Res. Ch. 161 (SJR 71) Torres. Rain forest destruction.

This measure would memorialize the President and the Congress of the United States to instruct the Department of Defense to give the government of Brazil specified assistance to help examine and assess the rain forests. The bill would request and encourage actions by industry and foreign governments to help preserve the rain forests, as specified.

Res. Ch. 162 (SJR 74) Presley. Industrial development, mortgage revenue, and low-income tax credit bonds.

This measure would memorialize 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.

Res. Ch. 163 (SJR 75) Torres. Hawaiian rain forests.

This measure would memorialize 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.

Res. Ch. 164 (ACR 139) Johnson. Escrow industry in California.

This measure would request 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, Savings and Loan and affected trade groups and associations to formulate and recommend to the Legislature by December 31, 1991, whatever measures are deemed necessary to address escrow industry regulatory problems and issues.

Res. Ch. 165 (ACR 162) Katz. Department of Transportation: research and development.

The Budget Act of 1990 requires the Director of Finance to authorize the expenditure of an amount appropriated to the Department of Transportation 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.

This measure would request the department to include related matters, as specified, in the policy report.

Res. Ch. 166 (ACR 180) Cortese. Water resources: California drought.

This measure would request the State Department of Water Resources to submit a report to the Legislature by March 15, 1991, containing specified information regarding the availability of water in the State of California for 1991. The measure would urge the Department of Fish and Game to report to the Legislature on the water needs of fish and wildlife measures.

The measure would support all feasible efforts to reduce the impacts of the drought in California and would urge 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.

Res. Ch. 167 (ACR 182) Ferguson. Korean War.

This measure would encourage Californians to remember and honor reserve units from California on the occasion of the 40th anniversary of the initial participation of the United States in the Korean War.

Res. Ch. 168 (ACR 184) Harris. State buildings: Department of Transportation.

This measure would recommend to the Department of General Services and the Department of Transportation that a building to be built in Oakland for use by the Department of Transportation be named after Senator Nicholas C. Petris.

Res Ch. 169 (ACR 185) Speier. Legislative offices.

This measure would request the Committee on Rules of the Senate and the Assembly to 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 weekday lunch hour, as specified.

Res. Ch. 170 (ACR 187) Harris. Dr. Oscar Salvatierra.

This measure would commend Dr. Oscar Salvatierra, Jr. for his contributions to enhancing the distribution of, access to, and funding for organ transplant services.

Res. Ch. 171 (ACR 188) W. Brown. Fiscal affairs: revision of laws: legislative procedures.

This measure would require the Joint Legislative Budget Committee, on or before January 1, 1991, to 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, including a proposal for the establishment of a constitutional review commission, which would be required to submit recommendations to the Legislature and the Governor for any needed amendments on or before January 1, 1992.

The measure would further provide 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. It would provide, however, that the policy should not apply under specified circumstances.

The measure would further provide 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) assigns specific appropriations targets to each of the several budget subcommittees, and (3) establishes a procedure for considering funding programs which cannot be funded within those appropriations targets.

The measure would recommend that the Joint Rules for the 1991–92 Regular Session

reflect the proposed procedural changes in the fiscal process included in the measure.

The measure would request 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.

Res. Ch. 172 (AJR 96) Roybal-Allard. Immigration: employer sanctions.

This measure would memorialize the President and Congress of the United States to support the enactment of HR 5185 and SR 2797 which would approve specified findings and result in, among other things, the termination of employer sanctions under the federal Immigration Reform and Control Act of 1986.

Res. Ch. 173 (AJR 93) Eastin. Dollar for Dollar Act.

This measure would memorialize the Congress and President of the United States to enact a Dollar for Dollar Act, which would, among other things, require that, for 10 years from the time that any federal funds are cut from military spending in a county, a portion of these funds shall be shifted, dollar for dollar, into an Economic Security Fund for that county, as specified.

Res. Ch. 174 (AJR 99) Polanco. United States-Mexico Free Trade.

This measure would memorialize Congress 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.

Res. Ch. 175 (AJR 100) Katz. State and Federal Transportation Policy.

This measure would memorialize the President and the Congress to consider specified transportation policies regarding urban mass transportation and rail transportation, flexible funding, alternative fuels, air quality, revenue equity, vehicle weight, and state regulation of vehicle size, in developing new federal multiyear transportation reauthorization legislation.

Res. Ch. 176 (AJR 103) Clute. World Summit for Children Week.

This measure would declare the week of September 23 to September 30 as state World Summit for Children Week, and would memorialize the President and the Congress of the United States to declare those dates as federal World Summit for Children Week.

Res. Ch. 177 (AJR 106) Hannigan. Veterans: Aleda E. Lutz Department of Veterans Affairs Medical Center at Saginaw, Michigan.

This measure would memorialize the President and Congress 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.

Res. Ch. 178 (AJR 109) W. Brown. Kuwait: Iraqi invasion and annexation: support of American opposition.

This measure would express the support of the Legislature of the actions of the President and Congress in deploying armed forces to the Middle East in an effort to resolve the crisis caused by the invasion and annexation of Kuwait by Iraq.

DIGEST OF RESOLUTION ADOPTED

1989–90 FIRST EXTRAORDINARY SESSION

RESOLUTION CHAPTER

Res. Ch. 1 (SCR 1) Roberti. 1989–90 First Extraordinary Session: Joint Rules.

This measure would express the intent of the Senate and Assembly that the Temporary Joint Rules of the Senate and Assembly for the 1987–88 Regular Session, except as specified, shall serve as custom and precedent to govern relations between the Senate and Assembly for the 1989–90 First Extraordinary Session.

1990 DIGEST CHAPTERS SUPERIOR NUMBERS

1 I am reducing the $24,251,000 appropriation contained in Section 1 of Assembly Bill No. 250, by deleting the $500,000 appropriation to Item 4260-101-001. I am also deleting the $200,000 appropriation to Item 6110-161-890.

In addition to the necessary deficiency appropriation for California Children's Services, which I am approving, this bill also appropriates $500,000 from the General Fund for emergency ambulance services under the Medi-Cal program and $200,000 from the Federal Trust Fund for the Timpany Center in Santa Clara County.

It is inappropriate to place additional demands on our General Fund resources at this time. Unanticipated expenditures, such as the earthquake, and lower revenue estimates have reduced the projected Reserve for Economic Uncertainties from $1.1 billion, when the budget was signed last June, to $492 million today.

Moreover, I recently allowed legislation to become law which added $20 million to the budget of the Office of Family Planning. At that time, I also called upon the Legislature to reduce the 1990–91 expenditures by $44 million to replace the additional expenditures for family planning services during this fiscal year and next.

Not until the Legislature identifies these savings during the final budget process can serious consideration be given to any legislation that spends money, except for emergency expenditures. Otherwise, our reserve would be reduced to a level that would inadequately protect the State from fiscal uncertainties and emergencies for the remainder of the fiscal year.

The source of the $200,000 appropriation for the Timpany Center is federal carryover funds. All available carryover funds, however, have been distributed for local entitlements. Therefore, this proposal would create a deficiency in current special education funding.

With these reductions, I approve Assembly Bill No. 250.

GEORGE DEUKMEJIAN, Governor

2 I am deleting Provision 3 of Section 6 contained in Senate Bill No. 331.

Section 6 would appropriate $3,457,000 from the 1984 Park Bond Act to the Santa Monica Mountains Conservancy for the acquisition of certain lands. Provision 3 would require the appropriation to come from the Parklands portion of the 1984 Park Bond Act.

Since the 1984 Park Bond Act specifically contained $10 million for land acquisition by the Conservancy, which has been fully allocated, it would be inappropriate to expressly divert additional 1984 Parklands funds for Santa Monica Mountains Conservancy acquisitions.

Rather, it is more appropriate that the Department of Parks and Recreation and the Santa Monica Mountains Conservancy review their available funding sources and reach a mutual agreement on a funding package. Such a process has already begun and resulted in the agreement to fund the acquisition of one of the three projects contained in this bill. I am confident that such cooperation will continue and result in further agreements.

With this deletion, I approve Senate Bill No. 331.

GEORGE DEUKMEJIAN, Governor

3 I am deleting the $35,000 appropriation contained in Section 3 of Assembly Bill No. 2761.

This bill would establish a Rural Indian Crime Prevention Program within the Office of Criminal Justice Planning to finance local law enforcement efforts as specified on reservations and rancherias. It would appropriate $35,000 from the General Fund to operate this program from April 1, 1990 through June 30, 1990.

During the past two years a similar Rural Indian/Law Enforcement Crime Prevention Program has been established through the Office of Criminal Justice Planning (OCJP) with federal grant funds. OCJP has redirected money from the Community Crime Resistance Projects to fund the existing programs from April 1, to June 30, 1990. Thus, this appropriation is unnecessary. Ongoing funding for the program created in this bill can be considered in the annual budget process.

GEORGE DEUKMEJIAN, Governor

4 I am reducing the appropriation contained in Section 3 of Assembly Bill No. 1202 by $4,475,000.

This bill would provide a $14,000,000 emergency apportionment to the Richmond Unified School District for various expenditures, including meeting the school district's June payroll obligation. This bill would also establish conditions for the repayment of the loan.

Any appropriation contained in this bill would be considered an advance in the 1989/90 current year, and is chargeable as an expenditure against the General Fund for the 1990/91 Fiscal Year. Thus, any appropriation occurs at the expense of other worthy programs, budget demands and priorities in the 1990/91 Fiscal Year.

I am approving an appropriation of $9,525,000, which is sufficient for the Richmond School District to meet its June payroll obligation. It is inappropriate, however, to approve additional apportionments in advance of other more pressing state demands that are currently being considered in the Budget.

With this reduction, I approve Assembly Bill No. 1202.

GEORGE DEUKMEJIAN, Governor

5 I am reducing the $304,669,000 appropriation from Item 9840-001-001 contained in Section 1 of Assembly Bill No. 2563 by $5,511,000.

The Department of Corrections has reduced their deficiency by $6.1 million due to a freeze on equipment purchases.

The Department of Food and Agriculture, however, has an additional deficiency of $589,000 incurred as a result of the Mexican Fruit Fly. The net reduction is therefore $5,511,000

With this reduction, I approve Assemby Bill No 2563.

GEORGE DEUKMEJIAN, Governor

6 I am deleting the $75,000 General Fund appropriation contained in Section 1 of Assembly Bill No. 160.

This appropriation would fund a study on the use of eminent domain by redevelopment agencies. I am not convinced that this study is of sufficient priority to warrant funding at this time, given the critical condition of the General Fund. Moreover, it would be appropriate that any funding for this study be considered in the regular budget development process where its merits can be evaluated against those of other worthwhile projects

With this deletion, I approve Assembly Bill No. 160.

GEORGE DEUKMEJIAN, Governor

7 I am reducing the appropriation contained in Section 2 (a) (1) of Senate Bill No 1333 by $47,870,155 as follows

(A) For graduation requirements from $19,600,000 to $2,800,000

(B) For notification of truancy from $21,020,000 to $2,708,000.

(C) For open meetings act from $1,737,000 to $373,000.

(E) For deficiencies in prior year reimbursement of mandated costs by deleting the $11,394,155 appropriation

Funding for the prior year's costs of these mandates is not as high as priority as reduced classroom sizes in K-12 school districts. It is my intent that not less than

one-third of the funding for the programs described in Schedules (A) through (E) for the 1989–90 and prior fiscal years which I have deleted be provided in equal installments in each of the Governor's Budgets for 1991–92, 1992–93 and 1993–94 Fiscal Years.

With these reductions and deletion, I approve Senate Bill No. 1333.

GEORGE DEUKMEJIAN, Governor

8 I object to the following appropriations contained in Senate Bill No. 899.

Item 0510-001-001—For support of the State and Consumer Services Agency. I reduce this item from $856,000 to $855,000 by reducing:

(a) Support from $870,000 to $869,000,

and by deleting Provision 1.

I am deleting Provision 1 which would require the State and Consumer Services Agency to implement, within the Department of General Services, a centralized certification procedure for Minority and Women Business Enterprises because the Department of General Services has established a process to implement Chapter 61, Statutes of 1988 The effectiveness of this process should be evaluated before any further substantive changes are contemplated. Additionally, this language would result in increased costs to the state and delays in the procurement of critically needed goods and services. Although funds have not been budgeted for these additional costs, I am reducing $1,000 which represents savings that will be achieved based on vetoing language contained in Provision 1 of this item.

Item 0530-001-001—For support of the Secretary for the Health and Welfare Agency. I reduce this item from $1,749,000 to $1,549,000 by reducing:

(a) Support from $4,698,000 to $4,498,000,

and by deleting Provision 1

I am reducing this item by $200,000 to eliminate the funding for an Office of Minority Health Affairs as proposed to be established by AB 1561.

Existing programs within the Department of Health Services and other departments within the Health and Welfare Agency effectively address minority health problems. The legislative augmentation proposed by this item would add another costly level of administrative structure that is not necessary.

I am deleting Provision 1 to conform to this action.

Item 0585-001-001—For support of the World Trade Commission. I reduce this item from $2,062,000 to $2,061,000 to conform to the action I have taken in Item 0585-001-981.

Item 0585-001-981—For support of the World Trade Commission. I reduce this item from $2,062,000 to $2,061,000 by reducing.

(b) 300000 Operating Expenses and Equipment from $934,000 to $933,000,

and by deleting Provision 1.

I am reducing this item by $1,000 and delete Provision 1 which was added by the Legislature to require the World Trade Commission to report to the Legislature quarterly on the Export Finance Targeted Marketing Program for minority and women owned businesses. This provision assumes the creation of an additional program and unnecessarily interferes with the Administration's ability to manage its programs. It would invariably result in increased costs to the state.

Item 0690-001-001—For support of Office of Emergency Services. I reduce this item from $19,371,000 to $19,155,000 by reducing:

(b) 35-Plans and Preparedness from $14,983,000 to $14,767,000,

and by deleting Provision 9.

I am deleting the $216,000 legislative augmentation for a loan to the City and County of San Francisco for modular units for interim use by the San Francisco Emergency Command Center It has not been established that this project is of sufficiently high priority to justify the use of limited state resources. Furthermore, the leasing of facilities for local emergency command centers is not part of the Office of Emergency Services' regular program function and would set an undesirable precedent.

Item 0820-001-001—For support of Department of Justice. I reduce this item from $187,090,000 to $182,722,000 by reducing:

(a) 11.01-Executive-Administration from $55,668,000 to $52,800,000,
(b) 11.02-Distributed Executive-Administration from −$55,668,000 to −$52,800,000,
(c) 25-Executive Programs from $5,903,000 to $5,841,000,
(d) 30-Civil Law from $40,498,000 to $40,059,000,
(e) 40-Criminal Law from $48,084,000 to $47,645,000,
(f) 45-Public Rights from $22,870,000 to $22,608,000,
(g) 50-Law Enforcement from $181,030,000 to $175,413,000,
(h) Reimbursements from −$50,560,000 to −$47,676,000,
(j) Amount payable from the Hazardous Waste Control Account, General Fund (Item 0820-001-014) from −$1,183,000 to −$1,145,000,
(k) Amount payable from the Fingerprint Fees Account, General Fund (Item 0820-001-017) from −$18,210,000 to −$17,621,000,
(m) Amount payable from the Motor Vehicle Account, State Transportation Fund (Item 0820-001-044) from −$16,685,000 to −$16,146,000,
(n) Amount payable from the Hazardous Substance Account, General Fund (Item 0820-001-455) from −$1,685,000 to −$1,630,000,
(o) Amount payable from the Dealers' Record of Sale Special Account, General Fund (Item 0820-001-460) from −$6,972,000 to −$6,544,000,
(q) Amount payable from the Gaming Registration Account, General Fund (Item 0820-001-477) from −$302,000 to −$292,000,
(r) Amount payable from the Federal Trust Fund (Item 0820-001-890) from −$9,708,000 to −$9,618,000, and
(t) Amount payable from the State Forfeiture Account, Special Deposit Fund (Item 0820-011-942) from −$2,893,000 to −$1,346,000, and by adding:

unallocated Reduction −$3,729,000.

I am deleting the $2,101,000 legislative augmentation of which $1,462,000 is payable from the State Forfeiture Account, Special Deposit Fund, and 13.3 personnel years to implement two regional Deoxyribonucleic Acid (DNA) laboratories and expand analysis of blood sample submissions pursuant to Penal Code Section 290.2. While I am supportive of efforts to incorporate the use of forensic DNA analysis in the state's efforts to solve violent crimes and have sustained funding in the budget to continue operation of the state's first DNA laboratory in Berkeley, expansion of the DNA program is premature since the standardized analytical protocol and management systems have not been fully developed and the DNA technology has not been allowed to mature. I have taken conforming action in Item 0820-011-942.

I am deleting the $2,868,000 legislative augmentation, payable from various items ($1,484,000) and Reimbursements ($1,384,000) totalling $2,868,000 for increases to facilities operations because it is not clear that the department has exhausted available budget prioritization and allocation processes to manage its facilities operations expenses within available resources. As a result, I am not able to fully assess the merits of the augmentation or the appropriateness of the requested level of funding This request should be submitted through the normal budget development process for review against competing needs for these fund sources.

This action conforms to actions taken in the following items: 0820-001-014 ($38,000); 0820-001-017 ($589,000); 0820-001-044 ($539,000); 0820-001-455 ($55,000); 0820-001-460 ($78,000); 0820-001-477 ($10,000); and 0820-001-890 ($90,000); and 0820-011-942 ($85,000).

I am further reducing this item by an unallocated reduction in the amount of $3,729,000. I will support a deficiency appropriation to offset this reduction from any available asset forfeiture funds.

I am deleting $1,500,000 in Reimbursements from the CrackDown Task Force program. Last year, I signed SB 1661 (Chapter 1453, Statutes of 1989) which authorized the Department of Justice to establish crackdown task forces to investigate and

apprehend members of Columbian cartel-street gang cocaine networks. While the legislation appropriated $13.4 million for the implementation of the program, $1.5 million remains unspent and could be used to support the program's operation in the 1990-91 fiscal year. Because Chapter 1453, Statutes of 1989, funding is available for use in the program, I am reducing $1.5 million in reimbursements, funded from federal anti-drug abuse funds through the Office of Criminal Justice Planning. This action will still maintain the CrackDown Task Force program at the $22.4 million funding level I proposed in January, and conforms to action I have taken in Item 8100-101-890.

I am deleting $350,000 from the $4,071,000 legislative augmentation, payable from the Dealers' Record of Sale Special Account, General Fund, to implement the new firearms program established by Chapter 9, Statutes of 1990. The $350,000, which the department proposed to use to modify its fingerprint room would be a major capital outlay expense which should be requested and budgeted through the normal capital outlay budget process. This action conforms to action taken in Item 0820-001-460.

Item 0820-001-014—For support of Department of Justice. I reduce this item from $1,183,000 to $1,145,000.

I am reducing this item by $38,000 to conform to the action I have taken in Item 0820-001-001

Item 0820-001-017—For support of Department of Justice I reduce this item from $18,210,000 to $17,621,000.

I am reducing this item by $589,000 to conform to the action I have taken in Item 0820-001-001

Item 0820-001-044—For support of Department of Justice. I reduce this item from $16,685,000 to $16,146,000

I am reducing this item by $539,000 to conform to the action I have taken in Item 0820-001-001

Item 0820-001-455—For support of Department of Justice I reduce this item from $1,685,000 to $1,630,000.

I am reducing this item by $55,000 to conform to the action I have taken in Item 0820-001-001.

Item 0820-001-460—For support of Department of Justice. I reduce this item from $6,972,000 to $6,544,000.

I am reducing this item by $428,000 to conform to the action I have taken in Item 0820-001-001

Item 0820-001-477—For support of Department of Justice. I reduce this item from $302,000 to $292,000.

I am reducing this item by $10,000 to conform to the action I have taken in Item 0820-001-001

Item 0820-001-890—For support of Department of Justice. I reduce this item from $9,708,000 to $9,618,000

I am reducing this item by $90,000 to conform to the action I have taken in Item 0820-001-001.

Item 0820-011-942—For support of Department of Justice. I reduce this item from $2,893,000 to $1,346,000.

I am reducing this item by $1,547,000 to conform to the actions I have taken in Item 0820-001-001.

Item 0840-001-001—For support of State Controller. I reduce this item from $72,659,000 to $72,534,000 by reducing

(b) 300000 Operating Expenses and Equipment from $40,069,010 to $39,944,010.

I am reducing $125,000 from this item because AB 2721, Statutes of 1990, authorizes the Controller to be reimbursed for costs of administering the Surplus Money Investment Fund program from the earnings of that program rather than from the General Fund, resulting in an overfunding of $125,000

Item 1150-008-421—For support of Bureau of Automotive Repair. I reduce this item from $71,557,000 to $71,556,000 by reducing:

(a) 12-Bureau of Automotive Repair from $71,675,000 to $71,674,000,

and by deleting Provision 1.

I am reducing this item by $1,000. The language in Provision 1 prohibits the Bureau from contracting with the California Youth Authority for parts exemption services and requires the Bureau to develop and manage these services in-house. My January proposal provides for restitution and rehabilitation of the wards while providing these services at a lower cost. Therefore, the restriction placed on this item interferes with the Administration's ability to manage its programs and would result in increased costs to the state. The Bureau would incur at least $1,000 of cost to hire additional staff. Although funds have not been budgeted for these additional costs, I am reducing $1,000 which represents savings that will be achieved based on vetoing language contained in Provision 1 of this item.

Item 1390-046-758—For support of the Medical Board of California. I reduce this item from $9,609,000 to $9,509,000 by reducing:

(a) 63.10.010-Medical Board of California from $10,182,500 to $10,082,500,

and by deleting Provisions 1 and 2.

I am deleting Provision 1 which specifies that January 1, 1991 through June 30, 1991 funding for this item is to be sought through the Section 27.00 process and is contingent upon a 15 percent reduction in the backlog of unassigned investigative cases by November 1990. This language is overly restrictive and fails to provide an appropriation for funding the second half of the fiscal year which could have the unintended effect of preventing the Board from continuing to provide consumer protection and reduce the investigative case backlog. I do not oppose the Legislature's direction to reduce the case backlog and will support urgency legislation to restore full funding to the Board to be available upon attainment of this goal

I am deleting the $100,000 legislative augmentation for the Auditor General to contract for an evaluation of the Board's Enforcement and Complaint Intake Systems as specified To the extent that the Legislature would like the Auditor General to execute a study of these systems, I believe the Auditor General is sufficiently funded to prioritize its workload and accomplish such a study within existing resources.

I am deleting Provision 2 to conform to this action

Item 1500-068-770—For support of State Board of Registration for Professional Engineers and Land Surveyors I reduce this item from $4,653,000 to $4,652,000 by reducing.

(a) 75-State Board of Registration for Professional Engineers and Land Surveyors from $4,657,000 to $4,656,000,

and by deleting Provision 1

I am reducing this item by $1,000. The language in Provision 1 prohibits the Board from contracting with the Prison Industries Authority for microfilming services. My January proposal provides for restitution and rehabilitation of the inmates while providing these services at a low cost to the state Therefore, the restriction placed on this item interferes with the Administration's ability to manage its programs and would result in increased costs to the state. The Board would incur at least $1,000 of additional cost to secure another contract to provide these services. Although funds have not been budgeted for these additional costs, I am reducing $1,000 which represents savings that will be achieved based on vetoing language contained in Provision 1 of this item

I am deleting Provision 1 to conform with this action.

Item 1700-001-001—For support of the Department of Fair Employment and Housing I reduce this item from $10,695,000 to $10,694,000 by reducing·

(a) 50-Administration of Civil Rights Law from $13,548,000 to $13,547,000,

and by deleting Provision 1

I am reducing this item by $1,000. During 1986-87, the Department of Fair Employment and Housing consolidated the operations of the San Francisco legal office into the Sacramento legal office and eliminated the Boalt Hall Employment Discrimination Clinic The Legislature has transferred funds from the Department of Fair Employment and Housing main support item to newly created items for the Los Angeles legal office, San Francisco legal office and the Boalt Hall Employment Discrimination Clinic. The amounts appropriated in these three items are based on the premise that all rent and other operating expenses for the legal offices will be paid from the main support item. However, the language in Provision 1 specifically precludes any transfer of funds to pay for the rent and other operating expenses in the three newly created items. The Department of Fair Employment and Housing would incur at least $1,000 of cost to relocate staff and pay the support expenses related to reestablishing the San Francisco legal office and the Boalt Hall Clinic. Although funds have not been budgeted for these administrative costs, I am reducing $1,000 which represents the savings that will be achieved based on vetoing language contained in Provision 1 of this item and similar provisions in the newly created items

I am deleting Provision 1 to conform to this action.

Provision 1 is inconsistent with the separation of powers provision concerning the Executive Branch authority and represents a substantive change of law.

Item 1700-011-001—For support of the Department of Fair Employment and Housing I revise the language in this item and delete Provision 1

The Department of Fair Employment and Housing has a district office in Los Angeles which employs attorneys to handle civil rights cases. The department does not consider the legal staff in Los Angeles to constitute a legal office, therefore, I am revising this item to read

"1700-011-001—For support of the Department of Fair Employment and Housing, ~~Los Angeles Legal Office.~~"

I am deleting Provision 1 because this provision and the location specified in the item (Los Angeles Legal Office) are inconsistent with two constitutional provisions First, the language violates the separation of powers provision concerning the Executive Branch authority Second, inasmuch as existing law does not define or reference the Los Angeles Legal Office, the language represents a substantive change of law which can only be included within a single subject bill, rather than the Budget Act The Director of the Department of Fair Employment and Housing should be provided the opportunity to relocate staff and allocate funds to meet departmental needs which this language would prohibit

Item 1700-021-001—For support of the Department of Fair Employment and Housing. I reduce this item from $441,000 to $440,000, revise the language in this item, and delete Provision 1.

The relocation of staff from Sacramento to San Francisco to reestablish a legal office would cost at least $1,000. In 1986-87 the department closed the San Francisco legal office and consolidated the positions with the Sacramento office and evidence has not been provided to justify the reopening of this office. Although relocation costs have not been budgeted in 1990-91, I am reducing $1,000 from this item to reflect savings that will be achieved based on vetoing language contained in Provision 1 of this item.

I am revising the language in the item to conform to this action

"1700-021-001—For the support of the Department of Fair Employment and Housing, ~~San Francisco Legal Office~~"

I am deleting Provision 1 because this provision and the location specified in the item (San Francisco Legal Office) are inconsistent with two constitutional provisions. First, the language violates the separation of powers provisions concerning the Executive Branch authority Second, inasmuch as existing law does not define or reference the San Francisco Legal Office, the language represents a substantive change of law

Item 1700-031-001—For support of the Department of Fair Employment and Housing. I reduce this item from $73,000 to $72,000, revise the language in this item, and delete Provision 1.

The relocation of staff from Sacramento to Berkeley to reestablish a legal clinic at Boalt Hall School of Law would cost at least $1,000. In 1986-87 the department closed the Boalt Hall legal clinic and evidence has not been provided to justify the reopening of this clinic. Although relocation costs have not been budgeted in 1990-91, I am reducing $1,000 from this item to reflect savings that will be achieved based on vetoing language contained in Provision 1 of this item.

I am revising the language in the item to conform to this action

"1700-031-001—For the support of the Department of Fair Employment and Housing ~~, Boalt Hall Employment Discrimination Clinic~~ ."

I am deleting Provision 1 because this provision and the location specified in the item (Boalt Hall Employment Discrimination Clinic) are inconsistent with two constitutional provisions. First, the language violates the separation of powers provision concerning Executive Branch authority. Second, inasmuch as existing law does not define or reference the Boalt Hall Employment Discrimination Clinic, the language represents a substantive change of law which can only be included within a single subject bill, not the Budget Act.

Item 1730-001-001—For support of Franchise Tax Board I reduce this item from $196,285,000 to $195,892,000 by reducing:

(a) 10-Tax Programs from $199,287,000 to $198,894,000.

I am deleting the $393,000 legislative augmentation for the collection of delinquent accounts receivable items. This General Fund augmentation to support in-house tax collections will not result in a sufficient benefit/cost ratio to justify the use of limited state resources. These accounts receivable items can be satisfactorily collected through the continued use of private collection agencies under Sections 18839 and 26256 of the Revenue and Taxation Code.

Item 1760-001-001—For support of the Department of General Services. I reduce this item from $1,128,000 to $858,000.

I am reducing this item by $270,000 which the Legislature added for a refrigerant recycling program to conform to the action I have taken in Item 1760-001-666

Item 1760-001-002—For support of the Department of General Services I reduce this item from $1,629,000 to $1,514,000 and delete Provision 1.

I am deleting Provision 1 and reducing this item by $115,000 which the Legislature redirected to fund a Proactive Assets Management Task Force to conform to actions taken in Item 1760-001-666.

Item 1760-001-666—For support of the Department of General Services. I reduce this item from $346,377,000 to $345,859,000 by reducing:

(a) 100000-Personal Services from $199,579,000 to $199,373,000,

(b) 300000-Operating Expenses and Equipment from $272,937,000 to $272,239,000,

(d) Amount payable from the General Fund (Item 1760-001-001) from −$1,128,000 to −$858,000,

(f) Amount payable from the Property Acquisition Law Account, General Fund (Item 1760-001-002) from −$1,629,000 to −$1,514,000, and

(vx) Amount payable from the General Fund (Item 1760-031-001) from −$180,000 to −$179,000,

and by deleting Provisions 10 and 11.

I am deleting the $270,000 legislative augmentation to establish a refrigerant recycling program for the state fleet. While I support efforts to protect the environment, this project is not of sufficiently high priority to justify the use of limited state General Fund resources.

I am deleting the legislative augmentation to conform to the action taken in Item 1760-001-001.

I am deleting the legislative redirection of $115,000 which would establish a Proactive Assets Management Task Force. Through Executive Order D77-89, I have already established an asset management function within the Governor's Office of Planning and Research. The office is responsible for overseeing and coordinating a state assets management program

The creation of a new task force is unnecessary and premature. The Department of General Services is identifying assets available for projects through a continued, extensive review of the real property inventory system. It is more prudent and effective for the appropriate government agencies to develop specific asset management policies and proposals for Legislative review.

I am deleting the legislative augmentation to conform to the action taken in Item 1760-001-002.

I am deleting the $518,000 legislative augmentation to the Office of Small and Minority Business for implementation of Minority and Women Business Enterprise participation goals as specified in Chapter 61, Statutes of 1988 (AB 1933). Any need for additional staffing should be documented in a workload analysis and submitted during the normal budget development process.

I am deleting Provision 10 which would require the Department of General Services to conduct a survey of 1989-90 minority and women business enterprise participation in state contracts, related to Chapter 61, Statutes of 1988. Since the regulations implementing Chapter 61 were not effective until May 1990 and the specified information is not available, the requirements of this Provision cannot be met.

I am deleting Provision 11 which would require the Department of General Services to work with various memorial associations to develop and implement a plan to secure the Vietnam Veterans Memorial. This provision interferes with the department's ability to assign security staff based on the highest priority safety needs and could result in increased costs to the state.

I am revising the schedules in this item to conform to the action taken in Item 1760-031-001.

Item 1760-011-602—For support of the Department of General Services. I revise this item by deleting Provision 2.

I am deleting Provision 2 which would require the Department of General Services to seek legislation that would define the duties and responsibilities of the Office of the State Architect and the Office of Project Development and Management in implementing the state capital outlay program because sufficient statutory authority for the operation of these offices currently exists. It is an infringement on the separation of powers to require the Executive Branch to seek legislation to reduce its discretion to administer state government.

Item 1760-031-001—For support of the Department of General Services. I reduce this item from $180,000 to $179,000 and delete Provision 1.

I am deleting Provision 1 because it makes the expenditure of these funds contingent on the enactment of pending legislation, which in its current form requires substantially more effort than the funds provided in this item can support. This would delay the survey work until the legislation is enacted. The cost of this additional effort would be at least $1,000. The work required by AB 12 of the first extraordinary session of 1989 is premature until the initial survey proposed by the Department of General Services, which is fully funded by the amount in this item, can be completed and assessed.

Item 1760-101-001—Department of General Services for transfer to the State Emergency Telephone Account. I revise this item by deleting Provision 1.

This provision requires the calculation and crediting of interest to the General Fund on funds transferred monthly as necessary for cash flow for the support of the Emergency Telephone Number Program. The potential benefit to the General Fund is minimal. The application of interest on these loans is inequitable in view of the $44 million transfer from the account to the General Fund which has not been repaid and

is not earning interest. In effect the account is borrowing funds it has contributed to the General Fund.

Item 1760-031-666—For transfer to the General Fund. I reduce the amount of transfer from ($16,995,000) to ($15,300,000) and revise Provision 1.

I am reducing this item by $1.695,000. In order to fund the Legislature's augmentation of five capital outlay projects for the State Capitol and Annex which I am sustaining in Item 1760-301-666, it is necessary to retain adequate resources in the Service Revolving Fund This reduced transfer will accomplish that purpose

I am revising Provision 1 to conform to this action

"1 Notwithstanding Section 2.00 of this Act, on June 30, 1991, the State Controller shall transfer ~~$16,995,000~~ *$15,300,000* from the Service Revolving Fund to the General Fund. The Director of Finance is hereby authorized to make short-term loans from the General Fund to the Service Revolving Fund to avoid cash flow shortages."

Item 1880-001-001—For support of State Personnel Board. I reduce this item from $11,520,000 to $10,714,000 by adding.

Unallocated Reduction —$806,000,

and by deleting Provision 2.

I am reducing this item by an unallocated $806,000 which after reflecting the impact of Section 3.80, represents a total reduction of 10 per cent. This action is necessary to protect vital programs and to provide for a proven prudent reserve for economic uncertainties.

When the impact to Section 3.80 is added to this reduction, the total reduction in this item will result in a ten percent unallocated reduction.

I am deleting Provision 2 which specifies that various state agencies are to use funds appropriated by this act to maintain the level of staff employed in the Career Opportunities Development Program. The placement of the provision in this item is inappropriate as the Board is not responsible to control levels of participation in other agencies. Additionally, this provision interferes with the executive branch's ability to manage its programs and unduly restricts the executive branch in prioritizing activities given available resources.

Item 1920-001-835—For support of State Teachers' Retirement System. I delete Provision 1.

I am deleting Provision 1 which expresses the intent of the Legislature to defer the $53 million General Fund loan repayment for Purchasing Power Protection until the 1991-92 fiscal year. If deferred without legislation, this deferral would terminate the Purchasing Power Protection Program.

Item 1970-491—For capital outlay, Department of Veterans' Affairs. I delete this item.

I am deleting the reappropriation for the Veterans' Home of Southern California project. The language limits the Department of Veterans' Affairs to a single site, prohibits the use of private land acquisition, development or operation and transfers the responsibility for the project from the Department of Veterans' Affairs to the Department of General Services. These restrictions are inconsistent with the plan of the Department of Veterans' Affairs to build multiple facilities on up to six different sites in Southern California. The use of multiple, smaller sites affords veterans the opportunity to be located closer to family and friends, thereby encouraging fuller participation in family activities. Conversely, this also allows families to take, in many cases, a primary care role through the use of alternative day care and respite care service delivery modes. In addition, the restrictive language could limit the development and operation of the project in such a manner as to result in higher costs to the state.

Item 2200-001-001—For support of Department of Commerce I reduce this item from $15,524,000 to $15,522,000 by reducing:

(c) 30-Tourism from $6,489,000 to $6,488,000, and

(f) 60-Economic Research from $832,000 to $831,000,

and by deleting Provisions 2 and 3.

I am deleting Provision 2 which would require the department to allocate $175,000 for the Pac Rim 90 regional conference. This provision would restrict the department's ability to fund high-priority tourism programs and manage its budget resources and is therefore an infringement on the separation of powers between executive and legislative branches of state government. I am reducing $1,000 from this item to reflect the savings that will be achieved based on the deletion of this provision.

I am also deleting Provision 3 which would require the department to fund a study of obstacles to the development of small businesses. While I am supportive of efforts in this area, the study is not of sufficiently high priority to justify the use of limited state resources. The study may be funded through the use of private sector resources. I am reducing $1,000 from this item to reflect the savings that will be achieved based on the deletion of this provision.

Item 2200-111-001—For local assistance, Department of Commerce. I delete this item and Provision 1.

I am deleting the $5,000,000 legislative augmentation for the Olympic Training Facility loan. Last year, I signed SB 1403 (Chapter 1182, Statutes of 1989) which appropriated the funds for this loan and established the terms and conditions for the loan. Therefore, this augmentation is unnecessary

Item 2200-111-147—For local assistance, Department of Commerce. I reduce this item from $6,000,000 to $2,000,000 by reducing

(a) 40-Local Development from $5,000,000 to $2,000,000,

and by deleting:

(b) 50-Small Business ($1,000,000),

and by deleting Provision 1.

I am eliminating the $1,000,000 legislative augmentation to expand services provided by the Small Business Development Centers. The budget contains $1 7 million for this purpose, and additional federal funding may be available in 1990-91.

I am deleting the $3,000,000 legislative augmentation for an inner city development initiative. Information has not been presented to justify the purpose of this augmentation. Therefore, the need for the funds has not been demonstrated.

I am deleting Provision 1 to conform to this action

Item 2240-001-001—For support of Department of Housing and Community Development I reduce this item from $6,805,000 to $6,455,000 by reducing:

(b) 20-Community Affairs Program from $15,160,000 to $14,810,000,

and by deleting Provision 1.

I am reducing this item by $350,000 to eliminate the funds redirected by the Legislature to the Farmworker Housing Grant Program. The budget contains $1,000,000 for this program, which is sufficient to meet important program needs.

I am deleting Provision 1 to conform to this action.

Item 2240-101-001—For local assistance, Department of Housing and Community Development. I reduce this item from $6,900,000 to $4,400,000 by reducing:

(a) 20-Community Affairs from $70,100,000 to $67,600,000

I am deleting the $2,500,000 legislative augmentation for the Emergency Shelter Program. The department's budget contains $1.7 million for this program, an increase of $550,000 (48 percent) above the amount provided in the 1989-90 budget. In addition, $630,000 is included in the Military Department's budget to provide emergency shelter during the winter months. These funds are adequate to meet necessary program needs.

I am deleting Provision 1 to conform to this action.

Item 2240-490—Reappropriation, Department of Housing and Community Development. I delete this item.

I am deleting this reappropriation of funds remaining in the appropriation made by Chapter 112, Statutes of 1988, for mitigation of lead-based paint in migrant farmworker housing. The funds are reappropriated to the Office of Migrant Services, the Senior Citizens' Shared Housing Program, the Self-Help Housing Program and the Rural Technical Assistance Program.

While I am supportive of efforts in these areas, my action is necessary to protect vital programs and to provide for a prudent reserve for economic uncertainties. Because the mitigation of lead-based paint in migrant farmworker housing has been completed, this appropriation should be allowed to revert to the General Fund as provided under current law.

Item 2290-001-217—For support of Department of Insurance. I delete Provisions 4, 5, and 6.

I am deleting Provision 4 which requires all contracts executed by the Insurance Commissioner to contain a 30-day cancellation clause. This provision is unduly restrictive and infringes on the separation of powers in that it usurps Executive Branch authority to effectively administer state government.

I am deleting Provision 5, which prohibits the department from expending or encumbering more than half of its appropriation within the first half of the fiscal year. This provision is unduly restrictive and infringes on the separation of powers in that it usurps Executive Branch authority to effectively administer state government.

I am deleting Provision 6, which would prohibit the department from expending more than one half of the amount of all contracts executed in the 1990-91 fiscal year prior to January 1, 1991. This provision is unduly restrictive and infringes on the separation of powers in that it usurps Executive Branch authority to effectively administer state government.

Item 2640-101-046—For local assistance, Special Transportation Programs. I delete Provision 2.

I am deleting Provision 2 which requires the amount appropriated in this item be reduced by the amount necessary to balance expenditures with revenues available in the Transportation Planning and Development Account. This language was added by the Legislature to address revenue shortfalls anticipated from the inadvertent deletion by Proposition 116 of a section of the Revenue and Taxation Code. Because I have signed SB 640 (Chapter 174, Statutes of 1990) which reinstates the deleted section, this language is no longer necessary.

Item 2660-001-042—For support of Department of Transportation. I reduce this item from $1,001,281,000 to $1,001,280,000 by reducing:

(b) 20-Highway Transportation from $1,498,853,000 to $1,498,852,000,

and by deleting Provision 9.

I am deleting Provision 9 which would require the use of sealed bids for the lease of state parking lots. I am deleting this provision because the language represents a substantive change in law which can be included only in a single-subject bill, not in the Budget Act.

I am reducing this item by $1,000 to conform to the action taken in Item 2660-301-890.

Item 2660-101-042—For local assistance, Department of Transportation. I revise this item by reducing:

(b) 30-Mass Transportation from $81,295,000 to $64,000,000, and

(c) Amount payable from the State Highway Account (Item 2660-125-042) from −$83,795,000 to −$66,500,000,

and by deleting Provision 2.

I am reducing this item because substantial amounts of the state funds previously allocated for the mass transit guideway projects funded from this appropriation remain unspent. Funds available from prior years and the funds remaining in this

item are adequate to meet the needs of mass transit projects which have been approved for funding during 1990-91. Even with this reduction, the budget will provide new funding of $103.5 million for mass transit capital improvements during 1990-91

I am deleting Provision 2 to conform to this action.

Item 2660-101-046—For local assistance, Department of Transportation. I delete Provision 2

I am deleting Provision 2 which requires the amount appropriated in this item be reduced by the amount necessary to balance expenditures with revenues available in the Transportation Planning and Development Account This language was added by the Legislature to address revenue shortfalls anticipated from the inadvertent deletion by Proposition 116 of a section of the Revenue and Taxation Code. Because I have signed SB 640 (Chapter 174, Statutes of 1990) which reinstates the deleted section, this language is no longer necessary.

Item 2660-125-042—For local assistance, Department of Transportation (Proposition 111). I reduce this item from $83,795,000 to $66,500,000.

I am reducing this item by $17,295,000 to conform to the action I have taken in Item 2660-101-042

Item 2660-301-036—For capital outlay, Department of Transportation. I delete this item and Provision 1.

I am deleting the $300,000 legislative augmentation to construct soundwalls along Interstate 405 between Victory Boulevard and Sherman Way in Los Angeles County, $200,000 for callboxes in Santa Barbara County, and $300,000 for traffic signals on Highway 1 at the California Men's Colony.

Funding for transportation projects is allocated from the State Highway Account on a priority basis. The project-specific budgeting provided by these augmentations sets an undesirable precedent. Furthermore, this augmentation ignores both the limited funding available in the Special Account for Capital Outlay and the many other high priority capital outlay needs of state programs. These projects should compete for funds during the normal budget development process with other worthwhile transportation projects that receive funding from the State Highway Account.

I am deleting Provision 1 to conform to this action.

Item 2660-301-890—For capital outlay, Department of Transportation. I delete Provision 7.

I am deleting Provision 7, which requires the Department of Transportation to identify state and local bicycle capital outlay projects that are eligible for federal funding without a state or local matching requirement and to apply for the maximum amount of federal funds available for these projects. I am deleting this provision because it is an infringement on the separation of powers in that it usurps Executive Branch authority to effectively manage state government. In addition, the language is unnecessary because Section 8.50 of this Act requires all state agencies to apply for the maximum amount of federal funds available under federal law.

I am reducing Item 2660-001-042 by $1,000 to reflect the savings that will be achieved based on the deletion of this provision.

Item 2720-301-044—For capital outlay, Department of the California Highway Patrol. I revise this item by deleting Provision 2.

I am deleting Provision 2 of this item because this provision requires the California Highway Patrol to be responsible for the administration of enforcement activities related to prevailing wages for the Susanville lease purchase facility. This language imposes a substantive change to law which is unconstitutional for consideration in the Budget Act. Such changes should be addressed in separate legislation.

Item 3540-301-712—For capital outlay, Department of Forestry and Fire Protection. I delete this item and Provision 1.

I am deleting the $5,909,000 legislative augmentation from the proposed Park, Recreation, and Wildlife Enhancement Bond Fund. An appropriate level of bonds to

be placed on the November 1990 ballot is yet to be determined, therefore, this appropriation is premature.

I am deleting Provision 1 to conform to this action.

Item 3560-001-001—For support of State Lands Commission. I revise this item from $16,185,000 to $15,052,000 by adding:

Unallocated Reduction —$1,133,000

I am reducing this item by an unallocated $1,133,000 when the impact of Section 3.80 is added to this reduction, the total reduction in this item will result in a ten per cent unallocated reduction. This action is necessary to protect vital programs and provide for a proven prudent reserve for economic uncertainties.

Item 3580-001-001—For support of Seismic Safety Commission. I reduce this item from $1,095,000 to $982,000.

I am deleting the $21,000 legislative augmentation for the purchase of additional computer system equipment. This General Fund augmentation is not of sufficiently high priority to justify the use of limited state resources. Furthermore, this augmentation is inconsistent with the need to protect vital programs, hold spending growth to income growth and provide for a proven prudent reserve for economic uncertainties.

I am deleting the $92,000 legislative augmentation for additional clerical staff No workload data has been presented to justify the ongoing need for these positions

I am retaining the $100,000 legislative augmentation in Item 3580-001-257 for support of the Seismic Safety Commission which the Legislature transferred from funds reappropriated in Item 3580-490 for the study of the Loma Prieta earthquake. A portion of the reappropriated funds could be used to address any temporary clerical staff needs associated with the study of the Loma Prieta earthquake.

Item 3720-001-001—For support of California Coastal Commission. I reduce this item from $6,550,000 to $6,091,000 by adding:

Unallocated Reduction —$459,000.

I am reducing this item by an unallocated $459,000. When the impact of Section 3.80 is added to this reduction, the total reduction in this item will result in a ten per cent unallocated reduction. This action is necessary to protect vital programs, hold spending growth to income growth and provide for a proven prudent reserve for economic uncertainties.

Item 3790-001-001—For support of Department of Parks and Recreation. I revise this item by reducing:

(a) 100000-Personal Services from $117,688,000 to $113,980,000,
(b) 300000-Operating Expenses and Equipment from $49,446,000 to $47,857,000,
(g) Amount payable from the State Parks and Recreation Fund (Item 3790-001-392) from —$68,966,000 to —$63,669,000.

I am revising this item to conform to the actions taken in Items 3790-001-392.

I am deleting Provision 1 which restricts the right of the city of Santa Monica to evict the current concessionaire from 415 Pacific Coast Highway because it contravenes the city's authority as a state agent.

Item 3790-001-392—For support of Department of Parks and Recreation. I reduce this item from $68,966,000 to $63,669,000.

I am reducing the augmentation of $16,000,000 from the State Parks and Recreation fund to $10,703,000. The Department will be unable to implement an appropriate fee increase to fund the higher augmentation before the major revenue producing months have passed. I anticipate that a more attainable revenue increase will result from an average fee increase of 40 percent implemented early in the fall.

Item 3790-101-721—For local assistance, Department of Parks and Recreation I delete this item.

I am deleting the $289,000 legislative augmentation for Boothbay and Catamaran Parks rehabilitation from the California Parklands Act of 1980. This appropriation would reduce the fund balance to zero. In light of authorized construction projects

pending from this fund source, a prudent reserve needs to be maintained for augmentation to cover potential cost increases to those projects.

Item 3790-101-733—For local assistance, Department of Parks and Recreation. I delete this item.

I am deleting the $25,000 legislative augmentation for the Hayward Regional Shoreline Development Project from the State Beach, Parks, Recreational, and Historical Facilities Fund of 1974. This project should be submitted for consideration during the normal budget development process so it may be reviewed and evaluated in the context of competing needs for available fund sources. As there are authorized construction projects pending from this fund source which may require augmentation, it is imprudent to reduce the fund balance below the current level.

Item 3790-101-742—For local assistance, Department of Parks and Recreation. I delete this item.

I am deleting the $485,000 legislative augmentation for four local assistance grants from the State, Urban, and Coastal Park Fund These projects should be submitted for consideration during the normal budget development process so they can be reviewed and evaluated in the context of competing needs for available fund sources. As there are authorized construction projects pending from this fund source which may require augmentation, it is imprudent to reduce the fund balance below the current level

Item 3810-001-001—For support of Santa Monica Mountains Conservancy. I reduce this item from $216,000 to $201,000 by adding

Unallocated reduction —$15,000

I am reducing this item by an unallocated $15,000. When the impact of Section 3.80 is added to this reduction the total reduction in this item will result in a ten per cent unallocated reduction. This action is necessary to protect vital programs, hold spending growth to income growth and provide for a proven prudent reserve for economic uncertainties.

Item 3860-101-036—For local assistance, Department of Water Resources I delete this item and Provisions 1 and 2.

I am deleting the $45,900,000 legislative augmentation for local flood control subvention payments. The Budget proposed $13,000,000 in base funding from the General Fund and an additional $32,900,000 from the Special Account for Capital Outlay (SAFCO) for this purpose However, the Legislature shifted funding to general obligation bonds, assuming enactment of legislation which would place a measure on the November 1990 ballot This action allowed the Legislature to fund other projects from SAFCO; subsequently when the Legislature shifted $45,900,000 in funding from general obligation bonds back to SAFCO, it resulted in an over appropriation of SAFCO. Therefore, I am vetoing this augmentation to prevent over expending funds from this account

I am deleting Provisions 1 and 2 to conform with this action

Item 4120-101-001—For local assistance, Emergency Medical Services Authority. I reduce this item from $3,229,000 to $3,057,000, and delete Provision 2.

I am deleting the $172,000 legislative augmentation for this program because the increase is not warranted The state subvention for local emergency medical service agencies I proposed for 1990-91 represents a 15 percent increase over the 1989-90 level of support and should be sufficient to provide essential services

I am deleting Provision 2 to conform to this action.

Item 4140-111-001—For local assistance, Office of Statewide Health Planning and Development I delete this item and Provisions 1, 2 and 3

I am deleting the $2,100,000 legislative augmentation to expand the Family Physician Training Program. This action is necessary to keep state spending growth in line with income growth.

I am deleting Provisions 1, 2 and 3 to conform to this action.

Item 4170-001-001—For support of Department of Aging. I reduce this item from $5,051,000 to $4,872,000 by reducing:

(d) 40-Special Projects from $4,799,000 to $4,620,000.

I am deleting the $179,000 legislative augmentation and 2.4 personnel years for the Linkages program.

This action conforms to action that I have taken in Item 4170-101-001

Item 4170-101-001—For local assistance, Department of Aging I reduce this item from $34,139,000 to $31,068,000 by reducing.

(c) 30-Supportive Services and Centers (for match) from $29,118,400 to $29,004,000,

(d) 40-Special Projects from $31,728,600 to $28,772,000,

and by deleting Provisions 2 and 4.

I am deleting the $1,921,000 legislative augmentation to restore funding provided for the Linkages program. My Budget proposed reducing this program because the spending mandates and entitlement formulas were estimated to expand well beyond the rate of increase of our revenues. The basis for the original reduction is still valid. Therefore, it is necessary to recognize that these restrictions are forcing California's budget to increase substantially without any regard to the availability of revenues Consequently, I am vetoing this augmentation to ensure fiscal responsibility for the future.

This action conforms to the action I have taken in Item 4170-001-001.

I am deleting the $114,400 legislative augmentation to expand services provided by the long-term care Ombudsman program. The Ombudsman program is currently meeting the statutory requirement related to investigations of elder abuse. While I appreciate the efforts of this program and the fact that additional resources would be used to expand the number of volunteers, an increase is not supportable at this time

I am deleting the $35,600 legislative augmentation to provide funding for a Social Day Care program. While I support the efforts to prevent the premature institutionalization of California's frail elderly and functionally impaired adults, I cannot approve discretionary General Fund expenditures at this time

I am deleting Provision 2 to conform to this action

I am deleting the $1,000,000 legislative augmentation to expand the Alzheimer Day Care Resource Centers (ADCRC). During my Administration the ADCRC program has grown from one that was nonexistent in 1983-84 to the current level of $2,400,000 (General Fund) for support of the existing 36 ADCRC's. While I recognize the merits of this program, any additional augmentation would restrict the state's ability to fund other vital programs and to provide for a prudent reserve for economic uncertainties Therefore, an increase is not supportable at this time.

I am deleting Provision 4 to conform to this action

Item 4170-111-939—For local assistance, Department of Aging. I delete this item and Provisions 1 and 2.

I am deleting the $554,000 legislative augmentation to backfill the anticipated federal fund reduction in the Congregate Nutrition program. I have approved a loan from the Nutrition Reserve Fund (NRF) to mitigate the nutrition funding shortfall in 1989-90, thereby allowing sufficient time for the local providers to plan for the budget year reductions. The effect of this proposal would either represent a future obligation for one-time funds or would delay the federal reduction in the Congregate Nutrition program.

The backfilling of federal reductions in state programs provides an inappropriate incentive for the federal government to increase their reductions to California.

I am deleting Provision 1 to conform to this action.

I am deleting the $150,000 legislative augmentation for the purchase of a new commissary kitchen to fulfill the food preparation needs of Jewish Family Services This request is inconsistent with the intent of the NRF which is to provide loans to local Area Agencies on Aging experiencing cash flow problems and would set an inappropriate precedent.

I am deleting Provision 2 to conform to this action.

Item 4260-001-001—For support of Department of Health Services. I reduce this item from $141,585,000 to $141,239,000 by reducing:

(a) 100000-Personal Services from $182,458,000 to $182,167,000,

(b) 300000-Operating Expenses and Equipment from $109,213,000 to $108,831,000, and

(d) Reimbursements (Toxics) from −$3,803,000 to −$3,476,000,

and by deleting Provisions 7, 8, 11, 16, 17, 18 and 21.

I am deleting the $44,000 legislative augmentation to extend the Licensing and Certification positions for Congregate Living Health Facilities regulation workload from six months to one year. My January budget proposed extending the two limited-term positions; there is no workload justification for the additional six months' extension of the positions proposed by the Legislature. This legislative augmentation is therefore unnecessary.

I am deleting Provision 7 which would limit the availability of funding and staff positions for the Medi-Cal Drug Discount Program because it would unduly restrict the Executive Branch's ability to manage that program. The budget includes funds and positions to establish a program to negotiate the best price for drugs which will be available to Medi-Cal beneficiaries. One contract guaranteeing significant rebates has been concluded, and several new contract negotiations are underway. Legislation to strengthen the Department's ability to manage the Medi-Cal Drug Formulary and achieve better prices has been passed in conjunction with this Budget Act but contains elements that some might view as differing from those enumerated in Provision 7. Therefore, flexibility must be maintained for the establishment of positions related to the Medi-Cal Drug Discount Program.

I am reducing the $748,000 legislative augmentation of reimbursements for Toxics Substances Control Division workload by $327,000 and 5.4 personnel years to reflect the appropriate funding level for ongoing data processing workload. A total of $3,476,000 will be provided for this workload as a result of my action.

I am deleting Provision 8 to conform to this action.

I am deleting the $300,000 legislative augmentation to expand the Childhood Lead Poisoning Program. My January budget increased the funding for this program by $163,000 to expand this program in 1990-91 and provide a total of $438,000 which is an adequate funding level This action is necessary to protect vital programs, hold spending growth to income growth and provide for a proven prudent reserve for economic uncertainties.

I am deleting Provision 11 to conform with this action.

I am deleting Provision 16 which would have required that the $200,000 legislative reduction, which was taken inappropriately as a punitive action, be reflected in the Department of Health Services' Administrative and Executive Divisions' Salaries and Wages. This language is inconsistent with the separation of powers as it denies the Executive Branch the flexibility to administer programs and allocate the reduction for maximal public benefit.

I am deleting Provision 17 which would have required that specific organizations be represented in the Malathion Public Health Effects Advisory Committee and that the malathion studies include specific factors. This language dictates the composition of an administratively established advisory committee and infringes on the Executive Branch's authority to administer programs. The organization and activities of the committee should be determined by the Director in a manner which best meets the needs and the overall goals and objectives of the department. Nevertheless, I am directing the department to consider the spectrum of views in the scientific community as it evaluates the public health safety of malathion and to make copies of its findings available to the Legislature.

I am reducing this item by $1,000 and deleting Provision 18 to eliminate unnecessary costs. Provision 18 would have required the department to conduct specified studies regarding pesticides near the City of Coachella by a specified date. The

Department of Health Services indicates it has not been advised by local officials of the need for pesticide studies to determine the prevalence of environmental contamination or pesticide related illnesses in the City of Coachella. Although no augmentation was provided to meet the costs of these studies, there would be a cost of at least $1,000 incurred by the Department of Health Services to comply with them. I am reducing $1,000 from this item, which represents the savings that will be achieved based on vetoing the language contained in this provision.

I am reducing this item by $1,000 and deleting Provision 21 to eliminate unnecessary costs. Provision 21 would establish an expenditure plan of $800,000 for a new specified study in addition to the continuation of current Cancer Registry data analysis and study projects. Although no augmentation was provided to meet the cost of this study, there would be a cost of at least $1,000 incurred by the Department of Health Services to comply I am reducing $1,000 from this item, which represents the savings that will be achieved based on vetoing the language contained in this provision.

Item 4260-002-001—For support of Department of Health Services. I revise the language in this item and delete Provision 2

The Legislature has established a new budget item to fund public health programs in the Bay area I am revising this item because the proposed description of the item is inconsistent with two constitutional provisions. First, the language violates the separation of powers provision concerning the Executive Branch's authority. Second, inasmuch as existing law does not define or reference the location of Public Health programs, the language of this item represents a substantive change of law which can only be included in a different single subject bill, rather than the Budget Act.

I am revising the language in this item to conform with this action.

"Item 4260-002-001—For support of the Department of Health Services ~~programs, other than administrative overhead and data processing, that are located within 10 miles of Berkeley, California~~."

I am deleting Provision 2 because it would require that fees generated by large water systems be reimbursed to this item. This language is technically not correct These fees, which are authorized in SB 1806, should appropriately be deposited into the General Fund to offset the cost of this program consistent with the intent of SB 1806.

Item 4260-002-014—For support of Department of Health Services I revise the language in this item to conform with my action in Item 4260-002-001

"4260-002-014—For support of Department of Health Services ~~programs, other than administrative overhead and data processing, that are located within 10 miles of Berkeley, California~~, for payment to Item 4260-002-001, payable from the Hazardous Waste Control Account, General Fund"

Item 4260-002-044—For support of Department of Health Services I revise the language in this item to conform with my action in Item 4260-002-001.

"4260-002-044—For support of Department of Health Services ~~programs, other than administrative overhead and data processing, that are located within 10 miles of Berkeley, California~~, for payment to Item 4260-002-001, payable from the Motor Vehicle Account, State Transportation Fund"

Item 4260-002-177—For support of Department of Health Services. I revise the language in this item to conform with my action in Item 4260-002-001

"4260-002-177—For support of Department of Health Services ~~programs, other than administrative overhead and data processing, that are located within 10 miles of Berkeley, California~~, for payment to Item 4260-002-001, payable from the Food Safety Fund."

Item 4260-002-179—For support of Department of Health Services. I revise the language in this item to conform with my action in Item 4260-002-001.

"4260-002-179—For support of Department of Health Services ~~programs, other than administrative overhead and data processing, that are located within 10~~

~~miles of Berkeley, California~~, for payment to Item 4260-002-001, payable from the Environmental Laboratory Improvement Fund."

Item 4260-002-203—For support of Department of Health Services. I revise the language in this item to conform with my action in Item 4260-002-001.

"4260-002-203—For support of Department of Health Services ~~programs, other than administrative overhead and data processing, that are located within 10 miles of Berkeley, California~~, for payment to Item 4260-002-001, payable from the Genetic Disease Testing Fund."

Item 4260-002-227—For support of Department of Health Services. I am revising this item by changing the appropriation from $340,000 to $43,000 to correct an error in the bill and to conform to the legislative action in Item 4260-002-001 which correctly scheduled $43,000 as an amount payable from this item.

I am also revising the language in this item to conform with my action in Item 4260-002-001 as follows:

"4260-002-227—For support of Department of Health Services ~~programs, other than administrative overhead and data processing, that are located within 10 miles of Berkeley, California~~, for payment to Item 4260-002-001, payable from the Low Level Radioactive Waste Disposal Fund."

Item 4260-002-234—For support of Department of Health Services. I revise the language in this item to conform with my action in Item 4260-002-001.

"4260-002-234—For support of Department of Health Services ~~programs, other than administrative overhead and data processing, that are located within 10 miles of Berkeley, California~~, for payment to Item 4260-002-001, payable from the Research Account, Cigarette and Tobacco Products Surtax Fund."

Item 4260-002-455—For support of Department of Health Services. I revise the language in this item to conform with my action in Item 4260-002-001

"4260-002-455—For support of Department of Health Services ~~programs, other than administrative overhead and data processing, that are located within 10 miles of Berkeley, California~~, for payment to Item 4260-002-001, payable from the Hazardous Substance Account, General Fund."

Item 4260-002-890—For support of Department of Health Services. I revise the language in this item to conform with my action in Item 4260-002-001.

"4260-002-890—For support of Department of Health Services ~~programs, other than administrative overhead and data processing, that are located within 10 miles of Berkeley, California~~, for payment to Item 4260-002-001, payable from the Federal Trust Fund."

Item 4260-005-890—For support of Department of Health Services I delete Provision 3

I am deleting Provision 3 which would restrict the allocation of additional discretionary federal funds to carry out AIDS-related activities. To the extent that such funds become available in 1990-91, this language is unduly restrictive and would interfere with the Administration's ability to manage its programs and establish priorities for limited funding resources

Item 4260 011-001—For support of Department of Health Services (Toxic Substances Control Program), for transfer by the State Controller to the Hazardous Substance Account, General Fund I delete this item

I am deleting this $5,000,000 item because allocation of General Fund monies to the Toxic Substances Control Program in 1990-91 is incompatible with the need for California to limit expenditures to the available revenue increase and maintain a prudent reserve While this program should be able to compete for General Fund revenues, the need to maintain higher priority programs precludes an appropriation from this source in fiscal year 1990-91.

Item 4260 011-014—For support of Department of Health Services (Toxic Substances Control Program) I revise this item by reducing:

(a) 12.10-Site Mitigation from $59,628,000 to $54,628,000, and
(k) Amount payable from Hazardous Substance Account (Item 4260-015-455) from −$10,375,000 to −$5,375,000,

and by deleting Provisions 4 and 5.

I am reducing the amount available in this item for site mitigation activities to conform to the deletion of the General Fund transfer of Item 4260-011-001.

I am deleting Provision 4 which would require the Department of Health Services to recover site mitigation costs in excess of fees from responsible parties collected under Sections 25347.6 and 25347.7 of the Health and Safety Code. This requirement would be in addition to the cost recovery requirements in Chapters 269 and 1032, Statutes of 1989, which were the result of negotiations among all interested parties. As such, this provision would create substantiative law which can only be included in a single subject bill, not the Budget Act.

I am deleting Provision 5 which would limit the amount of time that employees of the Toxic Substances Control Program spend in training. This provision interferes with the Administration's ability to manage the Toxics program on a day-to-day basis and is therefore inappropriate.

Item 4260-015-455—For support of Department of Health Services (Toxic Substances Control Program). I reduce this item from $10,375,000 to $5,375,000 and revise Provision 1.

I am reducing this item by $5,000,000 to conform to the action I have taken to delete the transfer in Item 4260-011-001 of General Fund monies to the Hazardous Substance Account.

I am revising Provision 1 to conform to this action.

"1. The funds appropriated in this item are for the following:

(a) 12.10.030 — Direct Site Cleanup:		
(1) 12.10.030.005-Purity Oil	110,000	
(2) 12.10.030.010-Myers Drum, Emeryville	587,000	
(3) 12.10.030.015-Lubrication Company of America	787,000	
(4) 12.10.030.020-Western States Refining	126,000	
(5) 12.10 030.025-McColl	150,000	
(6) 12.10.030.030-Enforcement/ PRP Searches and Lab Sampling	750,000	
(7) 12.10.030.035-Pinedale Area Groundwater Phase I	465,000	
(8) 12.10.030.040-Myers Drum, Oakland	587,000	
(9) 12.10.030.045-Southland Oil	243,000	
(10) 12.10.030.050-North San Bernardino, Phase I	383,000	
(11) 12.10.030.055-Unforseen RAs/Site Stabilizations	794,000	
(12) 12.10.030.060-Chico Area Groundwater, Phase I	~~587,000~~	393,000
~~(13) 12.10.030.065/Precision Media~~	~~365,000~~	
~~(14) 12.10.030.070/Caltrans Project 3, Site 15~~	~~544,000~~	
~~(15) 12.10.030.075/North San Bernardino, Phase II~~	~~967,000~~	
~~(16) 12.10.030.080/Village Market, Phase I~~	~~265,000~~	

~~(17)~~	~~12.10.030.085/Factor Avenue Plume~~	~~165,000~~
~~(18)~~	~~12.10.030.095/Rosamond, Phase I~~	~~265,000~~
~~(23)~~	~~12.10.030.115/Pacific States Steel~~	~~365,000~~
~~(24)~~	~~12.10.030.120/San Fernando GWB~~	~~315,000~~
~~(25)~~	~~12.10.030.090/Dunes Subdivision~~	~~50,000~~
~~(26)~~	~~12.10.030.110/Tri/Air~~	~~215,000~~
~~(27)~~	~~12.10.030.115/Bay Area Drum~~	~~123,000~~
~~(28)~~	~~12.10.030.120/Caltrans No. 16~~	~~167,000~~
~~(29)~~	~~12.10.030.125/San Gabriel Groundwater Basin~~	~~1,000,000~~ "

Item 4260-101-001—For local assistance, Department of Health Services, Medical Assistance Program. I reduce this item from $3,816,042,900 to $3,802,342,900 by reducing.

(a) 50.11-Benefits (Medical Care and Services) from $7,719,219,800 to $7,691,819,800, and

(e) Amount payable from the Federal Trust Fund (Item 4260-101-890) from — $4,120,194,900 to —$4,106,494,900,

and by deleting Provisions 15, 17, 18, and 19.

I am reducing this item by $1,000,000 and taking a corresponding action in Item 4260-101-890 by reducing $1,000,000 in federal funds to reflect a legislative augmentation related to access to perinatal services for Medi-Cal beneficiaries. Providing for adequate maternity care has been one of my highest funding priorities, and since 1986-87 Medi-Cal rates for maternity care providers have increased by over 60 percent. In addition, the Department of Health Services has implemented several new programs to improve maternity care such as: Providing delivery services to undocumented workers; providing prenatal and postpartum services to undocumented women using only state funds; implementing the federal option to provide Medi-Cal benefits to pregnant women and their children if their income does not exceed 185 percent of the federal poverty level; and extending Medi-Cal eligibility to pregnant women and their children whose income is between 185 percent and 200 percent of the federal poverty level using only state funds. Although providing adequate access to maternity care continues to be one of my highest priorities, I am opposed to this augmentation due to the need to provide for a proven prudent General Fund reserve during the current year.

I am deleting Provision 15 to conform to this action.

I am reducing this item by $9,000,000 and taking a corresponding action in Item 4260-101-890 by reducing $9,000,000 in federal funds to reflect deletion of the legislative augmentation to provide discretionary increases to disproportionate Medi-Cal share hospitals for outpatient services. This item already contains $5,000,000 plus a corresponding $5,000,000 in federal funds for outpatient rate increases for disproportionate Medi-Cal share hospitals.

I am deleting Provision 17 to conform to this action

I am reducing this item by $200,000 and taking a corresponding action in Item 4260-101-890 by reducing $200,000 in federal funds to reflect deletion of the legislative augmentation to provide a discretionary 4 percent rate increase for home health care services. Home health care providers have received sizable increases during the last five years: Ten percent in May, 1988 and a 28 percent rate increase in August, 1985.

I am deleting Provision 18 to conform to this action

I am reducing this item by $1,000,000 and taking a corresponding action in Item 4260-101-890 by reducing $1,000,000 in federal funds to reflect a legislative augmen-

tation to provide a 6.4 percent discretionary rate increase for ambulance transportation providers. General Fund resources are not adequate to permit a discretionary rate increase for these Medi-Cal providers.

I am deleting Provision 19 to conform to this action.

I am reducing this item by $2,500,000 and taking a corresponding action in Item 4260-101-890 by reducing $2,500,000 in federal funds to reflect deletion of the legislative augmentation to provide a discretionary rate increase in dental rates. The Medi-Cal program has made several systems enhancements for its dental providers recently, including the acceleration of claims payments, addition of four new toll-free lines, and improved access to patient information necessary for billing. Furthermore, dental providers received a five percent increase for the 1989-90 fiscal year. In addition, the matter of dental access and rates is the subject of pending litigation that should not be complicated by this augmentation.

Item 4260-101-890—For local assistance, Department of Health Services. I reduce this item from $4,120,194,900 to $4,106,494,900.

I am deleting the $1,000,000 legislative augmentation related to improved access to perinatal services for Medi-Cal beneficiaries to correspond to my action on this issue in Item 4260-101-001.

I am deleting the $9,000,000 legislative augmentation to provide discretionary rate increases for disproportionate Medi-Cal share hospital outpatient services to correspond to my action on this issue in Item 4260-101-001.

I am deleting the $200,000 legislative augmentation to provide a discretionary rate increase for home health care services to correspond to my action on this issue in Item 4260-101-001.

I am deleting the $1,000,000 legislative augmentation for the ambulance transportation provider rate increase to correspond to my action on this issue in Item 4260-101-001.

I am deleting the $2,500,000 legislative augmentation to provide a discretionary increase in dental rates to correspond to my action on this issue in Item 4260-101-001.

Item 4260-111-001—For local assistance, Department of Health Services I reduce this item from $1,014,475,000 to $975,777,000 by reducing:

(b) 15-AIDS from $55,980,000 to $46,175,000,

(c) 20-Family Health Services from $164,454,000 to $157,454,000,

(d) 40-Rural and Community Health from $786,528,000 to $764,635,000,

and by deleting Provisions 1(b), 1(c), 1(d), 1(e), 1(g), 1(h), 3(g), and 3(h)

The 1990-91 Budget provides $73,273,000 in General Fund for AIDS programs statewide. This represents an increase of over 2,155 percent since the 1983-84 Budget When all funding sources are considered, the 1990-91 Budget provides $126,372,000 for AIDS programs. This represents over a 3,700 percent increase since the 1983-84 AIDS Budget.

I am deleting the $150,000 legislative augmentation, of which $100,000 is for an AIDS Adult Day Health Care program and $50,000 is for evaluation of the three model AIDS Adult Day Health Care programs funded in the 1989 Budget Act This budget provides $6.7 million for Home and Community Based Care Pilot Projects. Should the department determine that additional funding is available for these projects and that they are of significant priority, it could administratively redirect funds from within existing AIDS resources. An augmentation to this program, in addition to the funds currently budgeted, would restrict the state's ability to fund other vital programs, hold spending growth to income growth and to provide for a proven prudent reserve for economic uncertainties.

I am deleting Provision 1(b) to conform to this action.

I am deleting Provision 1(c) which would require the Department of Health Services to redirect $825,000 from funds allocated to the Alternative Test Site (ATS) program to promote testing and early intervention services This language mandates the redirection of funds from a critical program of anonymous testing based on the assumption that there may be excess funds. Predicting the number of tests in the ATS

program has always been difficult due to the evolving recommendations for testing and treatment. This language is an infringement on the separation of powers in that it usurps Executive Branch authority to effectively administer state government. Should excess funds in the ATS program become available, a redirection of funds to other AIDS programs, including early intervention services, could be accomplished administratively with concurrence by the Legislature.

I am deleting the $455,000 legislative augmentation for health insurance premium subsidies for persons with AIDS. I have demonstrated my support for the program to provide health insurance premium subsidies for persons with AIDS by signing AB 532 (Chapter 1055, Statutes of 1989) into law However, the legislation stipulated that the subsidies were to be provided to program participants only to the extent existing funding was utilized and a cost savings resulted to the Pilot Care Projects. Department staff are currently developing guidelines for such implementation. Therefore, this augmentation is inappropriate.

I am deleting Provision 1(d) to conform to this action.

I am deleting the legislative augmentation of $2,500,000 for AIDS Pilot Care Program projects. The 1990-91 Budget provides $17,388,000 for these types of projects. While I recognize the merits of these projects, any additional augmentation would restrict the state's ability to fund other vital programs and to provide for a proven prudent reserve for economic uncertainties. Therefore, an increase is not supportable at this time.

I am deleting Provision 1(e) to conform to this action.

I am deleting Provision 1(g) which would allow each county to use up to 5 percent of its AIDS drug subsidy funding for administrative support. The use of these funds for administrative costs would result in a reduction of direct services which should be the highest priority for limited state resources.

I am deleting Provision 1(h) which would require the Office of AIDS to fully fund the Tagalog AIDS Information and Referral Hotline from any additional AIDS funding which may become available. The Department of Health Services has committed, based upon statewide priorities and limited resources, to allocate $35,000 to support the Hotline in 1990-91. Should additional funding for AIDS programs become available, the department should be able to evaluate funding needs without predetermined priorities.

I am deleting the $6,700,000 legislative augmentation for AIDS Early Intervention and Prevention programs. While I recognize the merits of these projects, any additional augmentation would restrict the state's ability to fund other vital programs, hold spending growth to income growth and to provide for a proven prudent reserve for economic uncertainties. Therefore, an increase is not supportable at this time.

I am deleting the $4,000,000 legislative augmentation for additional family planning services, however, I am sustaining the $24,345,000 augmentation which restores the funding for this program to its 1988-89 level Due to the need to provide a prudent reserve for economic uncertainties it would be inappropriate to allocate additional limited state resources for this purpose. Therefore, I am deleting the $4,000,000 augmentation for this program

I am reducing this item by $3,000,000 to reflect an unallocated reduction made to Public Health programs as part of the legislative agreement on this budget. The Department of Health Services proposes to take this funding reduction from various Maternal and Child Health programs. To the extent that carryover federal funds will be available as appropriated in Item 4260-111-890, those funds may be used for these programs.

Consistent with the policy to suspend the statutory cost-of-living adjustments (COLAs) in Health and Welfare programs, I am deleting the $21,406,000 legislative augmentation in this item to restore the 4.54 percent statutory COLA in the AB 8 program This action is consistent with the action that the Legislature has taken to suspend the COLAs as authorized by Senate Bill 2097.

I am reducing this item by $472,000 to reflect the deletion of the legislative augmentation of a population adjustment for the AB 8 program. The January budget contained $1,431,000 for a population adjustment for this program and reflected a reserve of $643,000 in funding for this program. Based upon the current population and consideration of that reserve, there will be adequate resources for the program I am directing the department to utilize the reserve monies to fund the $472,000 projected for the population adjustment.

I am reducing this item by $15,000 to reflect deletion of the legislative augmentation to provide funding to support laboratory services for a migrant health services program. The laboratory services for these types of federally funded programs have historically been funded by local governments Given the present expenditure environment, it is unwise for the state to backfill for discretionary federal and local government program shortfalls.

I am deleting Provision 3(g) to conform to this action

I am deleting Provision 3(h) which specifies the calculation methodology for the allocation of the $150 million reduction in the Medically Indigent Services Program because it appears that, due to the short time frame in which the language was developed, not all of the ramifications of the allocation methodology may have been deliberated. Therefore, I am directing the Department of Health Services to immediately commence the cooperative determination of the most appropriate allocation meth odology and to effectively pursue and implement the mechanisms necessary to achieve the reduction.

Item 4260-111-890—For local assistance, Department of Health Services. I delete Provision 2(c).

I am deleting Provision 2(c) which would specify the priority order and amounts for expenditure of federal Maternal and Child Health (MCH) funds that may be available in 1990-91 from funds carried over from prior years. This language, while generally reflective of departmental priorities for the use of these funds, could conflict with the department's ability to prioritize its funding needs due to the $3 million funding reduction to MCH programs in Item 4260-111-001 as part of the Legislative agreement.

Item 4260-112-036—For local assistance, Department of Health Services I delete this item

I am deleting the $200,000 legislative augmentation for the Long Beach Stroke Center. While the project may be meritorious, it should be considered for funding in the context of statewide priorities and available funding The Special Account for Capital Outlay should be made available for higher statewide priorities for which alternative funding sources are limited or are not available

Item 4260-121-001—For local assistance, Department of Health Services. I reduce this item from $6,564,000 to $3,564,000 and delete Provisions 1 and 2.

I am deleting the $1,720,000 legislative augmentation to expand the Alzheimer's Program Treatment Centers in rural and urban areas I am also deleting the $1,280,000 legislative augmentation to fund new and existing treatment centers and related department administrative costs. I am deleting the augmentations because they were made by the Legislature despite limited state resources and they are inconsistent with the need to protect current vital programs, hold spending growth to income growth and provide for a proven prudent reserve for economic uncertainties.

I am deleting Provisions 1 and 2 to conform to this action

Item 4300-001-496—For support of Department of Developmental Services I reduce this item from $80,000 to $60,000.

I am deleting the $20,000 legislative augmentation to develop contracts to establish and support self-advocacy organizations and provide conferences for primary consumers Both the State Council on Developmental Disabilities and the Area Boards on Developmental Disabilities have been established to represent the needs

of developmentally disabled consumers. The 1990-91 Governor's Budget proposed, and the Legislature approved, a funding increase for the Area Boards to enable them to facilitate the participation of an increased number of consumers as board members. In view of these facts, this augmentation represents an unnecessary expenditure of limited state funds.

Item 4300-003-001—For support of Developmental Services. I reduce this item from $19,186,911 to $16,686,911 by reducing:

(a) 20-Developmental Centers Program from $538,411,911 to $535,911,911.

I am deleting the $2,500,000 legislative augmentation which was intended to fund health benefits for contract janitorial staff at the Developmental Centers. Contract janitorial staff have been employed at the Developmental Centers since January 1987. An initial three-year contract for these services was followed by a second 30-month contract which commenced in January 1990. During neither the initial contract nor the negotiations over the second did the contractor identify a need for additional funding of health benefits. Rather, the contract was freely entered into by all parties with the understanding that the provision of benefits was a responsibility of the contractor. Consequently, the state has no obligation to augment this contract for any purpose. Furthermore, the legal authority of the state to do so is questionable since other firms which bid or might have bid on the contract could raise a legal challenge to what would be an irregular and possibly unfair contracting procedure.

Item 4300-101-001—For local assistance, Department of Developmental Services. I reduce this item from $550,912,075 to $533,349,075 by reducing:

(a) 10.10.010-Operations from $156,682,075 to $154,195,075, and

(b) 10.10.020-Purchase of Services from $424,850,000 to $409,774,000,

and by revising Provision 9.

I am reducing this Item by $17,563,000 to reflect the following actions:

I am reducing $1,600,000 which would have provided funds to continue to pay residential providers the artificial "red circle" rates during implementation of the Alternative Residential Model (ARM) While I am supportive of the ARM program, in light of the current budget deficit, the rates paid to residential providers must be held at the levels identified as correct in the department's rate studies.

I am reducing $5,354,000 which would have provided ARM rate increases equal to the rise in the projected 1990-91 Consumer Price Index. This augmentation would constitute a cost-of-living adjustment for one specific group of providers. I am unable to provide discretionary cost-of-living adjustments because doing so would create inequities among other important programs that are not being provided such adjustments due to budgetary constraints.

I am reducing $100,000 which would have provided high fair market value (HFMV) ARM rates in Santa Barbara county. In the department's rate study conducted by Price Waterhouse, 12 counties were identified as HFMV counties. Santa Barbara was not among those counties. Therefore, this augmentation is not justified. Furthermore, approval of this augmentation could encourage other counties not designated HFMV to seek special consideration to receive HFMV rates.

I am reducing $8,022,000 which would have provided ARM rate increases equal to the increase in the 1989-90 Consumer Price Index. I am unable to provide discretionary cost-of-living adjustments because doing so would create inequities among other important programs that are not being provided such adjustments due to budgetary constraints.

I am reducing $2,487,000 which would have provided a discretionary COLA for Regional Center employees. I am unable to provide discretionary cost-of-living adjustments because doing so would create inequities among other high priority programs that are not being provided such adjustments due to budgetary constraints.

I am revising Provision 9 because it would create a contingent appropriation by authorizing the redirection of General Fund savings to the Program Development Fund and to Regional Resource Development Projects. While these proposed uses

may have merit, I cannot approve discretionary General Fund expenditures at this time.

"9 Allocations for the operations costs associated with Targeted Case Management shall be made on a quarterly basis. At least 30 days prior to the second, third, and fourth quarters of the 1990-91 fiscal year, the department shall determine whether or not federal reimbursement for targeted case management remains reasonably likely to occur, and shall notify the Director of Finance of its determination. At the same time, if the department determines that reimbursement is no longer a reasonable possibility, it shall advise the regional centers to terminate TCM operations activities within 30 days and shall make no further quarterly allocations. No sooner than 30 days after notification in writing to the Chairperson of the Joint Legislative Budget Committee, the Director of Finance shall unallot the TCM operations funds for those quarterly allocations which have been determined to be unnecessary. ~~If this occurs, one/half of the funds unalloted shall be allocated to the Program Development Fund and one/half shall be used for the Regional Resource Development Projects.~~ "

Item 4300-101-172—For local assistance, Developmental Services. I delete Provision 2.

I am deleting Provision 2, which would require the department to report to the Legislature by October 1, 1990, if it intends to allocate more than 25 percent of the portion of the Program Development Fund which is derived from parental fees and contributions to any appropriation or combination of appropriations not exclusively dedicated to the start-up of new community programs. This language is unworkable because the specified reporting deadline occurs prior to the department's selection of projects to be funded with Program Development Fund (PDF) monies As such, the language would infringe on the constitutional authority of the Executive Branch to administer state programs efficiently and effectively. I have no objection to providing the Legislature information on PDF allocations, however, the Legislature may request information of this type without Budget Act language.

Item 4440-101-001—For local assistance, Department of Mental Health. I reduce this item from $518,352,000 to $447,276,000 by reducing:

(b) 10.25-Community Services—other treatment from $550,710,000 to $548,081,000,

(c) 10.40-Adult System of Care Pilots from $11,747,000 to $8,000,000,

and by deleting:

(d) 10.50-Mental Health services for Wards and Dependents ($3,700,000),

and by adding:

Unallocated Reduction —$61,000,000,

and by deleting Provision 12.

I am reducing a total of $8,576,000 in new additional funding for three projects, including the Chapter 1361, Statutes of 1987 (AB 377) Children's Mental Health System ($2,629,000), the Chapter 982, Statutes of 1988 (AB 3777) Adult System of Care Pilots ($2,247,000), and the Chapter 1294, Statutes of 1989 (SB 370) Mental Health Services for Wards and Dependents ($3,700,000) I support each of these programs and included all of these projects in my 1990-91 Governor's Budget. However, due to fiscal constraints and to ensure funding for other high priority programs, I can no longer support these expenditures.

I am reducing $61,000,000 from this item by adding an unallocated reduction. This reduction is essential to provide funding for other high priority programs and to ensure a prudent General Fund reserve. By allowing for an unallocated reduction in this item, the Department of Mental Health will have the opportunity to consult with the Conference of Local Mental Health Directors to effect reductions in county programs in accordance with local needs and priorities.

I am deleting the $1,500,000 legislative augmentation to expand the Adult System of Care Pilot Projects to additional counties. I signed Chapter 982, Statutes of 1988, which authorized the Adult System of Care demonstration program because it is

important for California's mental health system to develop new service delivery models which can improve mental health care in a cost-effective manner. However, it would be inappropriate to expand this demonstration project to additional counties before it has been thoroughly evaluated.

I am deleting Provision 12 to conform to this action

Item 4440-141-001—For local assistance, Department of Mental Health, for services provided in Institutions for Mental Diseases. I reduce this item from $72,585,000 to $68,212,000 by reducing:

(a) 10.95 Institutions for Mental Diseases from $85,617,000 to $81,244,000,

and by deleting Provision 13.

I am revising reimbursements to make a technical correction by revising:

(b) Reimbursements from −$13,632,000 to −$13,032,000.

I am reducing this item by $4,373,000 to fund 226 additional beds in Institutions for Mental Diseases (IMDs) I support the IMD program and included this funding for new beds in my January Budget. However, in order to maintain funding for other high priority programs, and to maintain a prudent General Fund reserve, I am unable to support this expenditure.

I am deleting Provision 13, which would establish priorities for the allocation of the newly funded beds in Institutions for Mental Diseases, because the language is unclear as to its requirements and could therefore infringe on the Executive Branch's authority to manage state programs efficiently. Specifically, the language indicates that the first priority for the new beds shall be to meet the requirements of federal Nursing Home Reform (NHR). However, the language does not specify how many of the new beds must be allocated for this purpose. Furthermore, the Department of Mental Health advises that no beds need to be allocated during 1991 in order to meet the requirements of NHR. In view of these facts, and to enable the department to allocate the beds to the areas of highest need, I am deleting this provision.

Item 4440-490—Reappropriation, Department of Mental Health. I revise this item by reducing:

(4) Item 4440-001-001, Budget Act of 1989, from $621,000 to $300,000,

and by deleting Provision 1.

I am reducing the legislative reappropriation of $621,000 from Item 4440-001-001, Budget Act of 1989, to $300,000 This augmentation was proposed for the purposes of adding 2.5 personnel years and contracting funds for a state hospital staffing standards study. I agree that the staffing standards in the State hospitals should be updated to reflect changes in operating practices and in the requirements of various licensing and accreditation agencies since the last study was performed in 1973. However, given the delays inherent in soliciting contract assistance, and considering existing fiscal constraints, the department estimates that $300,000, which includes funds for up to 1.2 personnel years, will be sufficient to cover expenditures for this study during 1990-91

I am deleting Provision 1 because it contains unrealistic target dates for the completion of the staffing study. I am, however, directing the department to comply with sections (a) and (b) of Provision 1, which refer to the technical aspects of standard setting, to the extent that these do not conflict with the requirements of other licensing, certification and accreditation agencies.

Item 5160-101-001—For local assistance, Department of Rehabilitation. I reduce this item from $80,462,000 to $80,314,000 by reducing:

(a) 10-Vocational Rehabilitation Services from $655,000 to $507,000,

and by deleting Provision 4.

I am deleting the $148,000 legislative augmentation for the Center for the Partially Sighted The proposed augmentation would provide a discretionary augmentation not directly tied to a service expansion While I am supportive of this program, I am unable to provide discretionary adjustments Such an action would create inequities

among other important programs that are not being provided cost-of-living adjustments due to budgetary constraints.

I am deleting Provision 4 to conform to this action.

Item 5180-121-001—For local assistance, Department of Social Services. I reduce this item from $4,194,000 to $2,894,000 by reducing:

(a) 10.12-Special Adult Programs from $4,269,000 to $2,969,000.

I am reducing the Special Adult Programs by $1,300,000 from this item and $700,000 in the corresponding local assistance Item 5180-141-001. I am taking this action because spending mandates and entitlement formulas are currently estimated to expand well beyond the rate of increase in our revenues. It is necessary to recognize that such restrictions are forcing the budget to increase substantially without regard to the availability of revenues. Consequently, this reduction is necessary to ensure fiscal responsibility for the future. Under the authority provided in the Welfare and Institutions Code Section 12601, I am directing the Director of the Department of Social Services to institute the necessary controls to administer this program within the amounts provided in the Budget Act.

Item 5180-141-001—For local assistance, Department of Social Services. I reduce this item from $180,734,000 to $180,034,000 by reducing:

(a) 10.20-County Administration from $798,811,000 to $798,111,000.

I am reducing $700,000 from this item for the administration of the Special Adult programs to correspond with my action on this issue in Item 5180-121-001.

Item 5180-141-890—For local assistance, Department of Social Services. I reduce this item from $639,591,000 to $617,627,000.

I am reducing this item by $21,964,000 to make a technical correction to accurately reflect the amount of federal funds necessary for the County Administration program and to conform to the scheduled federal fund payable in Item 5180-141-001.

Item 5180-151-001—For local assistance, Department of Social Services. I reduce this item from $819,632,563 to $760,798,563 by reducing:

(a) 20.30-Other County Social Services from $523,952,000 to $467,602,000
  (1) 20.30.010-Child Welfare Services Grant from $449,420,000 to $394,570,000, and
  (2) 20.30.030-County Services Block Grant from $74,532,000 to $73,032,000,
(b) 20.35-Specialized Adult Services from $646,723,000 to $646,473,000
  (2) 20.35.240-Maternity Care from $2,154,000 to $1,904,000,
(c) 20.40-Employment Services from $194,253,126 to $180,453,126,
(f) 20.47-Child Abuse Prevention from $20,300,000 to $10,250,000, and
(h) Amount payable from the Federal Trust Fund (Item 5180-151-890) from −$632,358,563 to −$610,742,563,

and by deleting Provisions 9, 10, 11, 12 and 15.

I am deleting the $27,423,000 legislative augmentation from this item and $10,216,000 in the Federal Trust Fund Item (5180-151-890) which would fund program growth in the Family Maintenance, Family Reunification and Permanent Placement Components of the Child Welfare Services Program. The Budget will provide $7.7 million to fully fund caseload growth in the Emergency Response Component. While I am supportive of child welfare services in California, limited state resources necessitate limiting or reducing the growth of the non-education areas of the budget.

I am deleting Provision 12 which specifies the provisions under which the In-Home Supportive Services program currently operates. This Provision is duplicative and merely restates current law. Furthermore, if it was intended that this Provision provide substantive law changes, the Budget Act is not an appropriate mechanism to address changes in substantive law.

I am deleting Provision 12 to conform to this action.

I am deleting the $1,500,000 legislative augmentation to reestablish funding for the five Adult Protective Services (APS) pilot projects. The 1989 Budget Act which I

signed proposed to fund the APS projects in five counties at a General Fund cost of $607,000 through January 1, 1990. The pilot projects were intended to test, on a time-limited basis, various types of adult protective services to determine the most effective and cost efficient approaches of providing such services. The Department of Social Services has collected this data and has completed the evaluation. Consequently, the intention of this pilot has been met.

I am deleting Provision 15 to conform to this action.

I am reducing the Maternity Care program in the amount of $250,000 The 1989-90 expenditures in this program are expected to be approximately $1,900,000, or 13.4 percent less than the $2,154,000 budgeted for maternity home care contractors. This program has, for the last four fiscal years, consistently underexpended its General Fund appropriation by an annual average of $252,000. Consequently, it is appropriate to provide General Fund at a level that more accurately reflects historical expenditures.

I am deleting Provision 9 to conform to this action.

I am deleting the $2,400,000 legislative augmentation from this item and $2,400,000 from the Federal Trust Fund (Item 5180-151-890), which was augmented to disallow the state from realizing General Fund savings by claiming enhanced federal financial participation for case management services in the Greater Avenues for Independence (GAIN) program. This reduction is necessary to maintain funding levels for other vital state programs, hold spending income to growth income and to provide a proven prudent reserve for economic uncertainties.

I am deleting the $9,000,000 legislative augmentation in federal funds which match the reappropriation for the GAIN program in Item 5180-490 I am also reducing the amount payable from the Federal Trust Fund (Item 5180-151-890) by a corresponding amount to conform with my actions in Item 5180-490.

I am deleting Provision 10 because it inhibits the ability of counties to choose the most cost-effective method for implementing the GAIN program. This provision would limit a county's ability to consider operational alternatives which may prove to be fiscally beneficial to the state. Therefore, this provision interferes with the Administration's ability to manage its programs and would result in increased costs to the state

I am deleting the $10,050,000 legislative augmentation which restores the funding for the Child Abuse Prevention Training Act (CAPTA) program Under CAPTA, the Office of Child Abuse Prevention 1) distributes funds to grantees for child abuse prevention training and education to children, parents and teachers in the public school system and 2) supports two training centers. While I am supportive of efforts to ensure the health and safety of California's children, limited state resources necessitate limiting or reducing the growth of the non-education areas of the budget. Consequently, I am eliminating the General Fund for the CAPTA program. However, I am maintaining sufficient funds to continue the Office of Child Abuse Prevention and more importantly funds for direct services through the Child Abuse Prevention, Intervention and Treatment (CAPIT) Program. The CAPIT Program provides prevention, intervention and treatment services to children at risk of abuse or neglect. Given the difficult choices that are required to balance the budget and live within available revenues, priority should be given to programs providing direct services to high risk children Furthermore, since the CAPTA program is provided in state funded preschools and public schools, it would appear more appropriate for local school districts to determine, on a priority basis, whether to provide resources for these activities under Proposition 98. Specifically, local school districts have general purpose and staff development funds available that could be directed to these activities

I am deleting Provision 11 to conform to this action.

I am deleting the $17,211,000 in this item to provide funding for the Child Welfare Services 1989-90 cost-of-living adjustment. This Administration has had a policy of funding salary increases, given by counties, on a one year in arrears basis. However,

in order to protect vital programs, hold spending growth to income growth and provide for a proven prudent reserve for economic uncertainties, this action is necessary.

Item 5180-151-890—For local assistance, Department of Social Services. I reduce this item from $632,358,563 to $610,742,563.

I am deleting the $10,216,000 legislative augmentation to fund program growth in certain portions of the Child Welfare Services program to correspond with my action on this issue in Item 5180-151-001.

I am deleting the $2,400,000 legislative augmentation for the Greater Avenues for Independence (GAIN) program to correspond with my action on this issue in Item 5180-151-001.

I am deleting the $9,000,000 legislative augmentation to match the reappropriation of funds for the GAIN program to correspond with my action on this issue in Item 5180-490

Item 5180-158-001—For local assistance, Department of Social Services. I revise this item by deleting subcategories (1), (2) and (3) of category (a) and deleting Provisions 1 and 2.

These subcategories and provisions limit the ability of Los Angeles County and the Administration to choose the most cost-effective means of implementing the Greater Avenues for Independence (GAIN) program. Prohibiting new intakes into the Los Angeles County GAIN program would also limit Los Angeles County and the Administration's ability to adjust the caseload in the GAIN program to conform to the target groups specified in the Job Opportunities and Basic Skills program contained in the federal Family Support Act. Not serving sufficient numbers of these target groups would jeopardize the receipt of enhanced federal financial participation in the GAIN program These subcategories and provisions prohibit the Administration from choosing operational alternatives that are fiscally beneficial to the state, jeopardize the receipt of federal funds, and would invariably result in increased costs to the state

I am deleting Provisions 1 and 2 to conform to this action.

Item 5180-181-001—For local assistance, Department of Social Services I delete this item.

Consistent with my policy to suspend the statutory cost-of-living adjustments (COLAs) in Health and Welfare programs, I am deleting the $114,278,000 legislative augmentation to restore the 4.62 percent COLA in the Aid to Families with Dependent Children program, the $145,457,000 legislative augmentation to provide a 4 62 percent COLA in the Supplemental Security Income/State Supplementary Program and the $3,131,000 legislative augmentation to restore the COLA in the In-Home Supportive Services program I am also deleting the corresponding federal funds to conform to this action. This action is consistent with the action that the Legislature has taken to suspend the COLAs as authorized by AB 3573 and SB 2097

Item 5180-181-890—For local assistance, Department of Social Services. I reduce this item from $143,894,000 to $19,077,000.

I am deleting the $123,296,000 legislative augmentation to provide a statutory 4 62 percent cost-of-living adjustment in the Aid to Families with Dependent Children program, to correspond to my action on this issue in Item 5180-181-001.

I am deleting the $93,000 legislative augmentation to provide a 4 62 percent statutory cost-of-living adjustment in the Supplemental Security Income/State Supplementary Program, to correspond to my action on this issue in Item 5180-181-001.

I am deleting the $1,428,000 legislative augmentation to provide a 4.62 percent statutory cost-of-living adjustment in the Refugee Cash Assistance program, to correspond to my action on this issue in Item 5180-181-001

Item 5180-490—Reappropriation, Department of Social Services I delete paragraph (2) from this item.

I am deleting paragraph (2) and the reappropriation of $9,000,000 to maintain allocations for fiscal year 1990-91 in the Greater Avenues for Independence (GAIN)

program at their 1989-90 fiscal year levels. This reappropriation would reduce the amount of funds available to maintain a prudent reserve. In addition, any reappropriation of funds for the GAIN program should contain funds from the Proposition 98 reserve to provide education services to participants. This reduction conforms to my other actions in Item 5180-151-001 and 5180-151-890.

Item 5240-001-001—For support of the Department of Corrections. I reduce this item from $2,096,173,000 to $2,096,171,000 by reducing:

(a) 21-Institution Program from $2,006,314,000 to $2,003,472,000,

(b) 31-Community Correctional Program from $191,818,000 to $191,504,000,

(e) Reimbursements from −$19,119,000 to −$15,965,000,

and by deleting Provisions 7, 8, 9 and 10.

I am deleting Provision 7 which would require the Department of Corrections to pursue all available federal funds to support substance abuse programs for inmates and parolees. This language duplicates the existing requirements of Section 8.5 and is therefore unnecessary

I am deleting Provision 8 and reducing this item by $1,000 because requiring the Department of Corrections to obtain advance approval from the Legislature for all permanent mission changes will unduly restrict the department's flexibility in managing the inmate housing facilities and programs for a rapidly increasing and changing inmate population. Furthermore, the department currently provides the Legislature with detailed information at least twice a year regarding all current and anticipated mission changes. Although costs have not been budgeted in 1990-91 for such reporting, I am reducing $1,000 to reflect the costs of this reporting requirement.

I am deleting Provision 9 and the legislative augmentations totaling $3,000,000 of grant funds from the Office of Criminal Justice Planning to support the Department of Corrections' substance abuse treatment programs. The proposed 1990-91 Budget provides more than $12,000,000 for the department to provide for drug intervention pilot projects, individual program assessments for inmates and parolees and other substance abuse programs. Without prejudice to any need to augment these resources with grant funds, this reduction conforms to action I have taken on the budget for the Office of Criminal Justice Planning. At the same time, I am sustaining the $333,000 legislative augmentation of grant funds from the Department of Alcohol and Drug Abuse Programs for an additional project to provide inmates pre-release substance abuse treatment to complement the increased local project funding for similar programs for parolees.

I am deleting Provision 10 and reducing this item by $1,000 because requiring the Department of Corrections to perform zero base analyses of Folsom Prison and the Deuel Vocational Institution would duplicate the continuous and thorough review the department's prison staffing proposals already receive and because preparing such analyses within the unreasonably short deadlines required by the Legislature would require staff resources well beyond those provided in the department's 1990-91 budget. Although the costs of such analyses have not been budgeted in 1990-91, I am reducing $1,000 to reflect the costs of these analyses.

I am deleting the $154,000 legislative augmentation of grant funds from the Office of Criminal Justice Planning which were added to offset the redirection of an equal amount from the Department of Corrections' pre-release substance abuse program funds to provide additional counseling staff for the department's eight Prisoner Mother programs. These new positions represent a program expansion beyond the level proposed in the budget which is not justified when compared to other priorities.

Item 5240-311-746—For capital outlay, Department of Corrections. I delete this item and Provisions 1 and 2.

Chapter 165, Statutes of 1987, provided funding for the siting of a reception center in East Los Angeles and a prison in Lancaster; therefore, funding for the identification of other potential sites is not necessary.

I am deleting Provisions 1 and 2 to conform to this action.

Item 5240-497—Reversion, Department of Corrections. I delete this item.

I am deleting this reversion appropriation to be consistent with law and because the reversion adversely impacts public peace, health, and safety by stopping the construction of facilities needed to house the significant increase in state prisoners.

Item 5460-001-001—For support of the Department of the Youth Authority. I revise this item by reducing:

(b) 20-Institutions and Camps from $273,951,000 to $273,451,000,

(f) Reimbursements from −$18,890,000 to −$18,390,000,

and by deleting:

(g) Amount payable from the 1986 Prison Construction Fund (Item 5460-001-746), (−$147,000),

and by deleting Provisions 3 and 4.

I am deleting Provision 3 which would require the Department of the Youth Authority to pursue all available federal funds to support substance abuse programs for wards and parolees. This language duplicates the existing requirements of Section 8.5 and is therefore unnecessary.

I am deleting Provision 4 and the $500,000 legislative augmentation from the Office of Criminal Justice Planning grant funds for the implementation of the Department of the Youth Authority's Drug and Alcohol Abuse Program plan. This augmentation is premature because the Department has not completed such a plan.

I am deleting Schedule (g) to make a technical correction to the bill to conform to the legislative action taken to delete Item 5460-001-746.

Item 5460-101-001—For local assistance, Department of the Youth Authority. I am reducing this item from $73,905,000 to $40,905,000 by reducing:

(a) 10-Prevention and Community Corrections from $70,105,000 to $37,105,000,

and by revising Provision 4.

I am reducing this item by $33,000,000 in funding provided to support the County Justice System Subvention Program. This action is among the numerous program reductions needed to balance the General Fund budget and to provide for a proven prudent reserve. This action retains $34,298,000 in local subvention funding for this program which is sufficient for the counties to maintain important programs, including the costs of juvenile court reforms mandated by Chapter 1071, Statutes of 1976.

I am revising Provision 4 to conform to this action.

"4. Of the amount appropriated within Schedule (a), ~~$67,298,000~~ *$34,298,000* is provided to support the County Justice System Subvention Program in accordance with Article 7 (commencing with Section 1805) of Chapter 1 of Division 2.5 of the Welfare and Institutions Code. Notwithstanding any other provision of law, any county receiving funds from the County Justice System Subvention Program shall use those funds in the 1990-91 fiscal year for the purposes specified in Section 1806 of the Welfare and Institutions Code."

Item 6110-001-001—For support of Department of Education. I reduce this item from $49,903,000 to $33,973,000 by reducing:

(b) 20-Instructional Support from $36,566,000 to $24,144,000, and by adding:

Unallocated Reduction −$3,508,000,

I am reducing this item by 28 positions and $12,422,000 to eliminate the California Assessment Program. This action is necessary to protect higher priority programs and to provide for a proven prudent reserve for economic uncertainties. I am setting aside $12 million within the Proposition 98 guarantee to be appropriated in separate legislation for a new assessment system for California. I have retained $720,000 to allow for an orderly transition of staff into other positions of employment.

I am further reducing this item by an unallocated $3,508,000. When the impact of Section 3.80 is added to this reduction, the total reduction in this item will result in a ten per cent unallocated reduction. This action is necessary to protect vital programs and provide for a prudent reserve for economic uncertainties. This reduc-

tion has been adjusted by $50,000 to retain that amount for additional legal services for the State Board of Education.

Item 6110-005-001—For support of State Department of Education. I delete Provision 2.

I am deleting Provision 2 which would allow transfers between Proposition 98 and non-Proposition 98 appropriations because the provision is inconsistent with two constitutional provisions First, the language violates the requirement that funds appropriated for Proposition 98 be allocated only to school districts, community college districts, or state agencies which provide direct instruction. Second, the language represents a substantive change of law which can only be included within a single subject bill, not the Budget Act.

Item 6110-005-001—For support of Department of Education (Proposition 98), as allocated by the Department of Education. I delete Provision 4.

I am deleting Provision 4 which would allow transfers between Proposition 98 and non-Proposition 98 appropriations because the provision is inconsistent with two constitutional provisions. First, the language violates the requirement that funds appropriated for Proposition 98 be allocated only to school districts, community college districts, or state agencies which provide direct instruction. Second, the language represents a substantive change of law which can only be included within a single subject bill, not the Budget Act.

Item 6110-015-001—For support of Department of Education. I reduce this item from $402,000 to $327,000.

I am deleting the $75,000 legislative augmentation to fund a clearinghouse to recycle used and obsolete textbooks. This action is necessary to keep state spending growth in line with income growth.

Item 6110-101-001—For local assistance, Department of Education (Proposition 98). I reduce this item from $9,919,227,000 to $9,911,665,000 by reducing:

(a) Program 10.10.001.001—School Apportionments, District Revenue Limit, for the purposes of Section 42238 of the Education Code from $9,751,582,000 to $9,744,282,000,

(b) Program 10.10.001.002—School Apportionments, for Necessary Small Schools, in addition to the amount appropriated in category (a) of this item for the purpose of subdivision (f) of Section 42238 of the Education Code from $19,075,000 to $18,813,000,

and by deleting Provisions 20, 22, 24, 26 and 27.

I am deleting the $7,300,000 legislative augmentation to provide a general declining enrollment adjustment. I am retaining a declining enrollment adjustment for those high school districts for which the feeder elementary school districts have increasing enrollments. This is in addition to the one year declining enrollment adjustment already provided in statute.

I am deleting Provisions 22 and 27 to conform to these actions.

I am deleting the legislative augmentation of $262,000 to fund necessary small high school adults in independent study programs at a higher rate than other adults in independent study programs Special treatment of necessary small schools, in this instance, is not warranted.

I am deleting Provision 24 to conform to this action.

I am deleting Provision 26 because this provision would set a precedent for small school districts to establish a minimum revenue guarantee. I realize that, small schools may have a disproportionate loss in revenue when dropping from one category of supplemental revenue limit funding to another. However, it is inappropriate to disregard established definitions for funding necessary small schools. Exceptions to these limits would result in future pressure to fund similar types of minimum funding guarantees.

I am deleting Provision 20 because this provision would allow those school districts that are not correctly reporting property tax redemptions monies under current law

to continue this practice for another year This practice results in an under reporting of local revenues which offset state aid and, therefore, provides an unfair advantage to those districts over districts that are reporting revenues correctly

Item 6110-106-001—For local assistance, Department of Education, (Proposition 98). I delete Provision 12

I am deleting Provision 12 because this provision would allow those county offices of education that are not correctly reporting property tax redemption monies under current law to continue this practice for another year. This practice results in an under reporting of local revenues which offset state aid and, therefore, provides an unfair advantage to those counties over county offices of education that are reporting these revenues correctly.

Item 6110-111-001—For local assistance, Department of Education (Proposition 98), for transfer to Section A of the State School Fund, Program 10 10—School Apportionments I reduce this item from $327,067,000 to $323,067,000 by reducing:

(a) Program 10.10.006—School Apportionments, for the purposes of Article 10 (commencing with Section 41850) of Chapter 5 of Part 24 of the Education Code from $323,770,000 to $319,770,000

I am deleting $4,000,000 of the $10,000,000 legislative augmentation for population growth for home-to-school transportation

This reduction is necessary to ensure the total appropriations for Proposition 98 will not exceed the guarantee.

Item 6110-114-001—For local assistance, Department of Education (Proposition 98). I reduce this item from $433,820,000 to $425,519,000 by reducing:

(2) 10 10.018 010-Los Angeles Unified School District from $319,613,000 to $314,613,000, and

(5) 10.10.018.025-San Francisco Unified School District from $30,884,000 to $27,583,000,

and by revising Provision 5.

I am deleting the $3,300,000 legislative augmentation for the San Francisco Unified School District court-ordered desegregation program that would continue 100 percent state reimbursement for program costs. The U.S Court of Appeals has ruled that the required state reimbursement rate is the 80 percent rate established in the Education Code This deletion would fund the San Francisco program at the statutory level

I am reducing $5,000,000 for the Los Angeles Unified School District, which was included in the district's budget for the purpose of financing its capital outlay loan. I am also reducing $1,000 for the San Francisco Unified School District, which had not previously included capital outlay costs in its budget I am revising Provision 5 of this item to delete language which would permit reimbursement of the capital outlay costs of the Los Angeles and San Francisco Unified School Districts as well as facilities remodeling claims of all school districts with court-ordered desegregation programs. The State School Building Lease- Purchase program is the appropriate source to fund school district capital outlay costs

"5. Funds appropriated in this item shall not be used to reimburse local educational agency claims for school construction, reconstruction, replacement of facilities, purchase of existing facilities, purchase of land, or the performance of deferred maintenance activities on facilities ~~; except for costs incurred pursuant to direct contractual commitments signed or court orders issued prior to June 30, 1990. Funds allocated to the San Francisco Unified School District for capital outlay costs from this item shall not exceed $15,000,000 in 1990/91.~~

~~This provision shall not be construed to exclude reimbursement for costs of remodeling existing facilities, provided that the remodeling is required in order to implement a desegregation/related educational program. Reim/~~

~~bursement for remodeling costs from this item shall be limited to 10 percent of the costs of replacing the facility being remodeled~~."

Item 6110-115-001—For local assistance, Department of Education. I reduce this item from $78,824,000 to $76,218,000 by deleting:

(43) 10 10 019.043—Instruction: School Apportionments—voluntary desegregation-Grant Joint Union High School District ($2,606,000),

and by revising Provision 5.

I am deleting this $2,606,000 legislative augmentation. The voluntary desegregation program at the Grant Joint Union High School District will not be implemented until September, 1990 Consistent with how such claims were treated in 1989-90, initial funding for new programs should be provided through the deficiency process following audit of actual claims by the State Controller.

I am also revising Provision 5 to delete language which would authorize reimbursement of capital outlay expenses of the Los Angeles and San Francisco Unified School Districts to conform with actions taken in Item 6110-114-001.

"5. Funds appropriated in this item shall not be used to reimburse local education agency claims for school construction, reconstruction, replacement of facilities, purchase of existing facilities, purchase of land, or the performance of deferred maintenance activities on facilities; ~~except for costs incurred pursuant to direct contractual commitments signed or court orders issued prior to June 30, 1990. Funds allocated to the San Francisco Unified School District for capital outlay costs from this item shall not exceed $15,000,000 in 1990/91~~

~~This language is not intended to exclude reimbursement for costs of remodeling existing facilities, provided that the remodeling is required in order to implement a desegregation/related educational program. Reimbursement for remodeling costs from this item shall be limited to 10 percent of the costs of replacing the facility being remodeled~~."

Item 6110-117-001—For local assistance, State Department of Education. I delete Provision 1.

I am deleting Provision 1 which would allow transfers between Proposition 98 and non-Proposition 98 appropriations because the provision is inconsistent with two constitutional provisions. First, the language violates the requirement that funds appropriated for Proposition 98 be allocated only to school districts, community college districts, or state agencies which provide direct instruction. Second, the language represents a substantive change of law which can only be included within a single subject bill, not the Budget Act.

Item 6110-118-001—For local assistance, Department of Education (Proposition 98) I delete Provision 1

I am deleting Provision 1 which would allow transfers between Proposition 98 and non-Proposition 98 appropriations because the provision is inconsistent with two constitutional provisions First, the language violates the requirement that funds appropriated for Proposition 98 be allocated only to school districts, community college districts, or state agencies which provide direct instruction. Second, the language represents a substantive change of law which can only be included within a single subject bill, not the Budget Act.

Item 6110-120-001—For local assistance, Department of Education (Proposition 98) I reduce this item from $13,150,000 to $11,737,000 and revise Provisions 2 and 4, and delete provision 7

I am deleting the $1,413,000 legislative augmentation for expansion of dropout recovery programs and educational clinics While I am supportive of efforts in this area, this program is not as high a priority as funding statutory growth, and class size reduction.

Consistent with this action I am revising Provisions 2 and 4 and deleting Provision 7

"2. Of the amount appropriated in this item, ~~$2,000,000~~ *$1,400,000* shall be available for the funding of outreach consultants by up to 50 school districts with dropout recovery program plans developed in accordance with Chapter 1431, Statutes of 1985."

"4. Of the amount appropriated in this item, ~~$1,900,000~~ *$1,600,000* shall be available for payments to certified educational clinics established in accordance with Chapter 3.5 (commencing with Section 58550) of Part 31 of the Education Code."

Item 6110-128-001—For local assistance, Department of Education (Proposition 98). I delete Provision 1.

I am deleting Provision 1 which would allow transfers between Proposition 98 and non-Proposition 98 appropriations because the provision is inconsistent with two constitutional provisions. First, the language violates the requirement that funds appropriated for Proposition 98 be allocated only to school districts, community college districts, or state agencies which provide direct instruction. Second, the language represents a substantive change of law which can only be included within a single subject bill, not the Budget Act.

Item 6110-129-001—For local assistance, State Department of Education. I delete Provision 1.

I am deleting Provision 1 which would allow transfers between Proposition 98 and non-Proposition 98 appropriations because the provision is inconsistent with two constitutional provisions. First, the language violates the requirement that funds appropriated for Proposition 98 be allocated only to school districts, community college districts, or state agencies which provide direct instruction. Second, the language represents a substantive change of law which can only be included within a single subject bill, not the Budget Act.

Item 6110-151-001—For local assistance, Department of Education (Proposition 98). I delete this item and Provision 1.

I am deleting $2,372,000 for the Indian Education Centers due to the need to protect higher priority programs and to provide for a prudent reserve for economic uncertainties.

I am deleting Provision 1 to conform to this action.

Item 6110-161-001—For local assistance, Department of Education (Proposition 98). I delete Provision 14.

I am deleting Provision 14 because this would allow those county offices of education which are not correctly reporting property tax redemption monies under current law to continue this practice for another year. This practice results in an under reporting of local revenues which offset state aid and, therefore, provides an unfair advantage to those counties over county offices of education that are reporting these revenues correctly.

Item 6110-161-890—For local assistance, Department of Education. I delete Provision 10.

I am deleting Provision 10 which would allocate $200,000 to the Timpany Center because the federal grant is fully allocated and would require a reduction in other programs to fund the Center. The Timpany Center is operated by a private foundation. While I am supportive of the efforts of organizations like the Timpany Center, educational programs are a higher priority for the use of limited resources.

Item 6110-171-178—For local assistance, Department of Education. I reduce this item from ($21,236,000) to ($1,000).

I am reducing funds available for the Driver Training Program from $21,236,000 to $1,000 due to the need to protect vital programs and provide for a proven prudent reserve for economic uncertainties.

This program should be funded under the provisions of Proposition 98. Therefore I am setting aside $21,000,000 for the purpose of funding a driver education program.

Item 6110-190-001—For local assistance, Department of Education (Proposition 98). I delete this item and Provision 1.

I am deleting the $293,000 legislative augmentation to establish a Global Studies Demonstration Project in the La Canada Unified School District. This project is not as high a priority as statutory growth and class-size reduction.

I am deleting Provision 1 to conform to this action.

Item 6110-192-001—For local assistance, State Department of Education. I delete this item and Provision 1.

I am deleting the $1,603,000 in funding for non-Proposition 98 K-12 staff development programs. This action is necessary to protect vital programs, hold spending growth to income growth and to provide for a prudent reserve for economic uncertainties.

I am deleting Provision 1 to conform to this action.

I am also deleting funds in Item 6110-227-001 to conform to this action.

Item 6110-196-001—For local assistance, Department of Education. I reduce this item from $352,105,000 to $348,105,000 by adding:

Unallocated Reduction —$4,000,000,

and by deleting Provisions 14 and 18.

The Legislature has included the entire Child Development appropriation within the Proposition 98 guarantee. Consistent with the Constitution and the court decision, only appropriations of funding to be allocated to school districts, community college districts, or state agencies that provide direct elementary and secondary level instruction are eligible for Proposition 98. Therefore, I am deleting the Proposition 98 designation in this item because it is inconsistent with the Constitution, and I am instructing the Director of Finance to designate $132,925,000 of the funds appropriated in this item and $4,108,000 of the funds appropriated for cost-of-living adjustments as non-Proposition 98 appropriations. These amounts were derived using the funding level of contracts for child development programs operated by private providers during the 1989-90 fiscal year. The remainder of this item will continue to be designated as Proposition 98 appropriations and may only be allocated to school districts or county offices of education.

I am reducing this item by $4,000,000 to recognize the availability of carryover funds authorized by statute from prior year unearned contract funds in the child development program These funds should be used in place of a direct appropriation for services, which are a higher priority than the purposes which the Child Development Advisory Committee has recommended. This reduction has been reflected in the above total for private provider programs.

I am deleting Provision 14 to conform to this action.

In addition, I am specifically deleting Provision 18 which requires the Department of Finance to create a new formula for estimating the 0-4 population. This estimate is used to determine child care growth funding, capital outlay projections and mental health allocations. Such a change would have an impact on all population estimates and create massive funding shifts in numerous programs. This language violates the separation of powers provision of the Constitution concerning Executive Branch authority. Additionally, because existing law does not define the formula to be used by the Department of Finance in making its demographic projections, the language represents a substantive law change which can only be included within a single subject bill, not the Budget Act.

I am revising Section 12.32 to conform with these actions.

I am revising this item to conform with these actions as follows:

"6110-196-001—For local assistance, Department of Education ~~(Proposition 98)~~, Program 30.10—Child Development.

Item 6110-201-001—For local assistance, Department of Education (Proposition 98). I delete Provision 4.

I am deleting Provision 4 which would allow transfers between Proposition 98 and non-Proposition 98 appropriations because the provision is inconsistent with two constitutional provisions. First, the language violates the requirement that funds appropriated for Proposition 98 be allocated only to school districts, community college districts, or state agencies which provide direct instruction. Second, the language represents a substantive change of law which can only be included within a single subject bill, not the Budget Act.

Item 6110-202-001—For local assistance, Department of Education. I delete Provision 3.

I am deleting Provision 3 which would allow transfers between Proposition 98 and non-Proposition 98 appropriations because the provision is inconsistent with two constitutional provisions. First, the language violates the requirement that funds appropriated for Proposition 98 be allocated only to school districts, community college districts, or state agencies which provide direct instruction. Second, the language represents a substantive change of law which can only be included within a single subject bill, not the Budget Act.

Item 6110-224-001—For local assistance, Department of Education (Proposition 98). I reduce this item from $51,846,000 to $8,693,000 by reducing:

(a) 10.10.950—School Apportionments (year-round school incentive payments) from $51,546,000 to $8,453,000, and

(b) 10.10.020—Year-Round School Demonstration Program (Orchard Plan) from $300,000 to $240,000,

and by revising Provisions 1, 2, and 3,

and by deleting Provisions 4, 5, 6, 7, 8, 9, and 10.

Consistent with my proposal in January, I am deleting the $43,093,000 legislative augmentation to restore funding for the existing $125 year-round school incentive program, and setting aside $27,768,000 to be appropriated in separate legislation to reform this program so that it will achieve its original intent to permanently reduce the need for new school construction.

I am also reducing the budgeted amount for the Orchard Plan Demonstration Program by $60,000. This program was intended to provide funds to five school districts. Since only four districts are currently participating, the funds for the fifth district are not necessary.

I am revising Provisions 1, 2, 3, and deleting Provisions 4, 5, 6, 7, 8, 9, and 10 to conform to this action.

"1. The funds appropriated in Schedule (a) of this item shall be the only funds allocated as incentive payments for year-round school operations pursuant to Section s 42250 ~~and 42250.3~~ of the Education Code.

2. Applications for year-round incentive payments pursuant to Section s 42250 ~~and 42250.3~~ of the Education Code must annually be received by the Office of Local Assistance by no later than December 31 of the year in which the year-round operation occurred and for which payment is sought; applications received after that date shall not be processed The Office of Local Assistance shall certify all eligible and approved claims to the Superintendent of Public Instruction by no later than April 1 of the following year. In the event that the funds available for a fiscal year are insufficient to fully pay all claims for that year, the Superintendent of Public Instruction shall at that time provide all approved claims with a prorated share of the funds made available.

3. If a district receives state reimbursement specifically attributable to the cost of operating schools on a year-round basis pursuant to a court-ordered or voluntary desegregation program, the district shall be eligible for any portion of the allowances for incentive payments pursuant to Section s 42250 ~~and 42250.3~~ of the Education Code for the 1990-91 fiscal year but only to the extent that the district incurs costs in 1990-91 specifically attributed to operating schools on a year-round basis, as audited and approved by the State Controller, that exceed claims submitted for state reimbursement and

deemed to be allowable costs by the State Controller for such year-round operation pursuant to Sections 42243.6 and 42249 of the Education Code for the 1990-91 fiscal year. Funds may be distributed during the 1990-91 fiscal year pursuant to this provision. However, the State Controller shall audit and may make adjustments to the funds distributed under this item in future years."

Item 6110-226-001—For local assistance, Department of Education (Proposition 98), for cost-of-living increases. I reduce this item from $831,996,000 to $586,396,000 by reducing:

(a) 10.10—School Apportionments from $673,927,000 to $474,104,000 by reducing:
  (1.5) 10.10.001.001-K-12 District Revenue Limit from $616,077,000 to $432,627,000,
  (2) 10.10.001.002-K-12 Districts, Necessary Small Schools from $3,197,000 to $2,251,000,
  (3) 10.10.001.004-Meals for Needy Pupils Programs from $1,592,000 to $1,121,000,
  (4) 10.10.001.005-Apprentice Programs from $243,000 to $171,000,
  (5) 10.10.004-Regional Occupational Centers and Programs from $9,870,000 to $6,951,000,
  (6) 10.10.005-K-12 County Offices of Education from $12,127,000 to $8,567,000,
  (7) 10.10.011-Summer School Programs from $4,493,000 to $3,164,000,
  (8) 10.10.018—Court-ordered Desegregation from $18,341,000 to $12,766,000,
  (9) 10.10.019-Voluntary Desegregation from $3,247,000 to $2,287,000,

and by deleting:

  (9.5) 10.10.950—Year Round School Incentive Payments ($541,000)

and by reducing:

(b) 10.30-Other Compensatory Programs from $10,723,000 to $7,973,000 by deleting:
  (1) 10.30.050 American Indian Education Centers ($24,000), and reducing:
  (4) 10.30.070-Economic Impact Aid from $10,636,000 to $7,910,000,

(c) 10.50-Adult Education from $12,000,000 to $8,451,000 by reducing:
  (1) 10.50.010.001-from $11,864,000 to $8,355,000,
  (2) 10.50.010.002-Adults in Correctional Facilities from $136,000 to $96,000,

(d) 10.60-Special Education from $91,563,000 to $64,481,000 by reducing:
  (1) 10.60.000-Special Education Program for Exceptional Children from $89,677,000 to $63,153,000,
  (2) 10.60.001-Special Education from $1,886,000 to $1,328,000,

(e) 10.80-Special Instructional Programs from $1,217,000 to $857,000 by reducing: 10.80.010-Gifted and Talented Program from $1,217,000 to $857,000,

(f) 20.20.020-Instructional Materials from $5,330,000 to $3,754,000 by reducing:
  (1) 20.20.020.001-Instructional Materials Management and Distribution for Kindergarten through grade 8 from $4,254,000 to $2,996,000,
  (2) 20.20.020.002-Instructional Materials Management and Distribution for grades 9 through 12 from $1,076,000 to $758,000,

(gc) 20.60-Improving School Effectiveness from $17,448,000 to $12,133,000 by reducing:
  (1) 20.60.010.001-Administrator Training and Evaluation Program from $222,000 to $156,000,
  (2) 20.60.030.010-School Improvement Program for Grades K-6 from $10,914,000 to $7,686,000,
  (3) 20.60.030.020-School Improvement Program for Grades 7-12 from $2,126,000 to $1,497,000,
  (4) 20.60.050.001-Mentor Teacher Program from $2,966,000 to $1,909,000,
  (5) 20.60.050.002-Beginning Teacher Support and Assessment from $137,000 to $95,000,

(6) 20.60.050.004-Staff Development Plans, Regional and Subject Centers from $885,000 to $623,000,
(7) 20.60.070.000-Staff Development, Bilingual Teacher Training from $39,000 to $27,000,
(8) 20.60.110.000-Reader Services for Blind Teachers from $10,000 to $7,000,
(11) 20.60.140.000-Staff Development, Teacher Improvement (DOE/CSU) from $52,000 to $36,000,

(h) 30.10-Child Care Programs from $14,735,000 to $10,376,000 by reducing:
(1) 30.10.010.000-Special Programs-Preschool education from $1,663,000 to $1,170,000,
(2) 30.10.020.001-General child development programs from $9,307,000 to $6,554,000,
(3) 30.10.020.002-Campus children's centers from $285,000 to $201,000,
(4) 30.10.020.003-School age parenting and infant development from $310,000 to $218,000,
(5) 30.10.020.004-Migrant daycare from $327,000 to $230,000,
(6) 30.10.020.005-Special allowances for rent from $20,000 to $14,000,
(7) 30.10.020.006-Special allowances for handicapped from $33,000 to $23,000,
(8) 30.10.020.007-Alternative payment program from $1,478,000 to $1,041,000,
(9) 30.10.020.008-Resource and referral from $341,000 to $240,000,
(10) 30.10.020.009-Campus child care tax bailout from $187,000 to $132,000,
(11) 30.10.020.010-Protective services from $47,000 to $34,000,
(12) 30.10.020.015-Extended day care from $718,000 to $506,000,
(13) 30.10.020.018-Exceptional needs from $19,000 to $13,000,

(i) 30.20-Child Nutrition from $2,102,000 to $1,316,000 by reducing:
(1) 30.20.010-Child Nutrition from $2,095,000 to $1,311,000,
(2) 30.20.020-Child Nutrition, Pregnant/Lactating Minors from $7,000 to $5,000,

I am eliminating the COLA for Year Round Schools because increases are already included in Item 6110-224-001. The reduction for the desegregation program conforms with my action in Item 6110-114-001. The reduction for the Mentor Teacher Program is a technical correction. I also am eliminating $24,000 for the Indian Education Centers to conform with my action in Item 6110-151-001.

I am further reducing the remaining schedules to provide a 3 percent cost-of-living adjustment for education programs.

I am also revising Provision 1 of this item to reflect the actual amount of funding owed to K-12 education for the Proposition 98 guarantee in 1988-89.

1. Of the amount appropriated in this item, ~~$21,989,000~~ *$21,644,000* is in satisfaction of the Proposition 98 minimum funding requirements for the 1988-89 fiscal year.

Item 6110-227-001—For local assistance, Department of Education. I reduce this item from $249,000 to $201,000 by deleting:

(b) (1) 20.60.120.000—Staff Development, International Studies ($29,000),
(b) (2) 20.60.125—Geog. Education Alliances ($3,000),
(b) (3) 20.60.155—Regional Resource Science Center ($16,000).

The elimination of the COLA for staff development programs conforms with my action in Item 6110-192-001.

Item 6110-490—Reappropriation, Department of Education.

I am revising this item as follows:

001—General Fund

(1) Item 6110-224-001 (a), Budget Act of 1989, 10.10.950—School Apportionments (year-round school incentive payments).
~~(2) Item 6110/224/001 (b), Budget Act of 1989, 10.10.020 / Year/Round school Demonstration Project (Orchard Plan).~~
(3) Section 12.31, Budget Act of 1989 (K-12 education share) up to ~~$120,000,000.~~ *$10,090,000*

(4) ~~Item 6110-101-001 (b), Budget Act of 1989, 20.60.50.00-Mentor Teacher Program.~~

This item would reappropriate $119,200,000 from the 1989-90 Proposition 98 Reserve to augment the 1990-91 COLA for local education agencies and $800,000 for SB 1274. However, $109,910,000 of these funds should be used for class size reduction in accordance with the agreements reached with the Legislature relating to Chapters 82, 83 and 92, Statutes of 1989 Therefore, I am setting aside that amount for appropriation in separate legislation and reducing both of the nonappropriations. With these reductions, there will remain ~~$37,763,000~~ *$10,090,000* to be used for cost-of-living adjustments.

I am also deleting the $60,000 reappropriation for the Orchard Plan Demonstration Program. This program was intended to be implemented in five school districts However, only four had applied by the statutory deadline. It is not reasonable for a fifth district to be added for the final two years of this program.

In addition, I am deleting the $6,000,000 reappropriated from the Mentor Teacher Program for SB 1274. I am setting aside this amount for appropriation in separate legislation to establish a demonstration program of restructuring education.

I am revising Provision 6, and deleting Provisions 3, 7, and 8, to conform to this action.

6. Of the amount reappropriated by category (3) of this item, ~~$119,200,000~~ *$10,090,000* shall be available from Section 12.31 of the Budget Act of 1989 to augment Item 6110-226-001 of this act.

Item 6120-011-001—For support of Department of Education, California State Library. I reduce this item from $11,337,000 to $11,334,000 by reducing:

(a) 50-Library Services from $13,020,000 to $13,017,000.

I am deleting the $3,000 legislative augmentation to fund increased usage of the toll-free telephone line for the Braille and Talking Book Library. This expense can be absorbed within the current budget.

Item 6120-211-001—For local assistance, Department of Education, California State Library. I reduce this item from $14,244,000 to $12,979,000 by reducing:

(a) 50.20.010 - California Literacy Campaign from $4,328,000 to $3,063,000

I am deleting the $265,000 legislative augmentation to expand the California Literacy Campaign program. While I am supportive of efforts in this area, this action is necessary to keep state spending growth in line with income growth. This action is necessary to protect vital programs, hold spending growth to income growth and provide for a proven prudent reserve for economic uncertainties.

I am reducing $1,000,000 available for the California Literacy Campaign as part of the agreement with the Legislature on the 1990-91 budget. This action is necessary to protect vital programs, hold state spending growth to income growth and provide a proven prudent reserve for economic uncertainties.

Item 6120-221-001—For local assistance, Department of Education. I reduce this item from $20,600,000 to $16,600,000.

I am reducing the Library Foundation Program by $4,000,000. This action is necessary to protect vital programs, hold state spending growth to income growth and provide a proven prudent reserve for economic uncertainties.

Item 6420-011-001—For support of the California Postsecondary Education Commission. I reduce this item from $90,000 to $15,000.

I am deleting the $75,000 legislative augmentation for the California Planning Commission for Educational Technology. Considering the many demands for limited state resources, the augmentation for the commission is not supportable at this time. In addition, the funding I proposed in the budget is consistent with the level of General Fund support estimated to be needed at the time the bill was enacted.

Item 6440-001-001—For support of University of California. I reduce this item from $2,103,921,000 to $2,096,921,000 by reducing:

(a) Support from $2,040,817,000 to $2,030,817,000.

I am reducing this item in the amount of $10,000,000 to reflect the ten percent increase in the University of California resident student fees included as part of the comprehensive agreement with the Legislature on the 1990-91 Budget This reduction is necessary to achieve a balanced budget while maintaining a prudent reserve. With this reduction, I have provided sufficient financial aid funding for students from low income families who would be unable to afford the fee increase.

It is my intent that the Board of Regents act on increasing student fees to reflect my action

Item 6610-001-001—For support of the California State University. I reduce this item from $1,654,973,000 to $1,654,358,000 by reducing:

(c) 04-Academic Support from $216,365,150 to $216,294,000,

(d) 05-Student Service from $177,531,850 to $176,988,000,

and by deleting Provision 10.

I am deleting the $71,150 legislative augmentation to fund facilities rental at the Stockton off-campus center of California State University (CSU), Stanislaus. This action is necessary to keep state spending growth in line with income growth.

I am deleting the $543,850 legislative augmentation and 25 8 personnel years to enhance services for disabled students. While I am supportive of efforts in this area, I am unable to support this augmentation due to limited state resources and the need to provide for a proven prudent reserve for economic uncertainties.

I am deleting Provision 10 which states legislative intent that there be no layoffs of full-time or part-time faculty or staff as a result of unallocated budget reductions This language is unnecessarily restrictive in that it limits the CSU's management flexibility. While I do not encourage layoffs, it is not appropriate to restrict management flexibility at CSU.

Item 6860-001-001—For support of California Maritime Academy. I reduce this item from $6,988,500 to $6,968,500 by revising:

(f) Reimbursements from −$2,248,500 to −$2,268,500

I am reducing this item in the amount of $20,000 to reflect the 10 percent increase in the California Maritime Academy resident student fees included as part of the comprehensive agreement with the Legislature on the 1990-91 Budget This reduction is necessary to achieve a balanced budget while maintaining a prudent reserve With this reduction, I have provided sufficient financial aid funding for students from low income families who would be unable to afford the fee increase

Item 6870-001-959—For support of Board of Governors of the California Community Colleges. I delete Provision 1

I am deleting Provision 1 which would require that any federal Title IV(e) funds received as reimbursement for foster parent training activities be deposited into the Foster Children and Parent Training Fund This provision would unnecessarily restrict use of these funds.

Item 6870-101-001—For local assistance, Board of Governors of the California Community Colleges. I reduce this item from $1,709,037,000 to $1,685,733,000 by reducing:

(a) 10-Apportionments from $1,543,859,000 to $1,526,874,000,

(o) 20.40 020-Deferred Maintenance from $15,000,000 to $8,681,000,

and by deleting Provisions 3, 3.1 and 22,

and by revising Provision 6.

I am deleting the $1,201,000 legislative augmentation for growth in average daily attendance (ADA) above statutory attendance limits. I am also deleting $5,000,000 of the funds appropriated in Schedule (a) for growth in ADA over the statutory limits. My actions are necessary to ensure that there is no over-appropriation of funds needed to meet the funding requirements of Proposition 98 for the California Community Colleges. The budget provides $38,900,000 to fully fund statutory growth. In addition, $4,664,000 is provided in Item 6870-493 for growth in ADA above statutory attendance limits.

I am deleting Provision 3 to conform to this action.

I am deleting the $2,366,000 legislative augmentation for growth funds for new centers at Mt. San Jacinto and Riverside Community College Districts. This action is necessary to ensure that there is no over-appropriation of funds needed to meet the funding requirements of Proposition 98 for the California Community Colleges. To support ADA growth at these new centers, the Chancellor may allocate part of the $38,900,000 budgeted for statutory growth or part of the $4,664,000 reappropriated for growth above the statutory limit.

I am deleting Provision 3 1 to conform to this action

I am reducing the funds allocated for Deferred Maintenance in Schedule (o) by $6,319,000 This is necessary to ensure that there will be sufficient Transitional Program Improvement Funds to implement Phase II of program reforms pursuant to Chapter 973, Statutes of 1988, and to ensure that there will not be an over-appropriation of funds necessary to meet the funding requirements of Proposition 98 for the California Community Colleges.

I am deleting $8,418,000 of the funds appropriated in Schedule (a) to appropriately reflect the California Community Colleges share of the 1988-89 Proposition 98 funds.

I am revising Provision 6 to conform to this action

"6 (a) Of the amount appropriated in Schedule (a), ~~$54,751,000~~ *$46,333,000* is for allocation by the chancellor for partial funding of the $70,000,000 in Transitional Program Improvement Funds needed for implementation of Phase II of program reforms pursuant to Chapter 973 of the Statutes of 1988 These funds are subject to the allocation and expenditure provisions of Section 84755 of the Education Code. In subsequent years, these funds will be considered as part of the $70,000,000 needed in the annual level of Transitional Program Improvement Funds necessary for implementation of Phase II.

(b) Of the amount in this Provision, ~~$10,918,000~~ *$2,500,000* is in satisfaction of the Proposition 98 minimum funding requirements for the 1988-89 fiscal year. This amount shall be allocated for funding of the $70,000,000 in Transitional Program Improvement Funds needed for implementation of Phase II of program reforms pursuant to Chapter 973 of the Statutes of 1988. These funds are subject to the allocation and expenditure provisions of Section 84755 of the Education Code In subsequent years, these funds will be considered as part of the $70,000,000 needed in the annual level of Transitional Program Improvement Funds necessary for implementation of Phase II

(c) It is the intent of the Legislature that in building the budget for 1991-92, the highest priority for base funding be given to sustaining the reforms pursuant to Chapter 973 of the Statutes of 1988, funded in 1990-91 "

As part of my actions above, I am setting aside $8,418,000 of 1990-91 Proposition 98 funds to be appropriated in separate legislation in order to complete the full funding of the $70,000,000 in Transitional Program Improvement Funds needed for implementation of Phase II reforms.

I am deleting Provision 22 because this provision would allow those community college districts that are not correctly reporting property tax redemptions monies under current law to continue this practice for another year. This practice results in an under reporting of local revenues which offset state aid and, therefore, provides an unfair advantage to those districts over districts that are reporting revenues correctly

Item 6870-101-959—For local assistance, Board of Governors of the California Community Colleges I delete Provision 1.

I am deleting Provision 1 which would require that any federal Title IV(e) funds received as reimbursement for foster parent training activities be deposited into the Foster Children and Parent Training Fund This provision would unnecessarily restrict use of these funds.

Item 6870-492—Reappropriation, Board of Governors of the California Community Colleges. I delete this item.

I am deleting the reappropriation made from the General Fund unencumbered in the current year for a study of the Education Employee Reform Act. Due to limited General Fund resources in the budget year, and due to the fact that statute does not require the study to be completed until January, 1993, funding for the study in 1990-91 is not warranted.

Item 7980-101-001—For local assistance, Student Aid Commission. I reduce this item from $158,900,000 to $156,400,000 by reducing:

(a) 15-Financial Aid Grants Program from $172,914,000 to $170,414,000,

and by revising Provisions 2 and 3.

I am deleting the $2,500,000 legislative augmentation to expand the number and amount of Cal Grants and to support the Willie Brown Community Services Scholarship Program. This expansion is not of sufficiently high priority to justify the use of limited state resources and is inconsistent with the need to protect vital programs, hold spending growth to income growth and provide for a proven prudent reserve for economic uncertainties.

I am revising Provisions 2 and 3 to conform to this action.

"2. ~~In order to eliminate reversions of funds from direct financial aid programs, the number of new Cal Grant A awards shall be augmented by 115 grants, for a total of 17,515 grants in the 1990/91 fiscal year, and the number of new Cal Grant B awards shall be augmented by 480 grants, for a total of 12,730 grants in the 1990/91 fiscal year. The Cal Grant B maximum subsistance award shall be increased by $20 to a maximum of $1,430 in the 1990/91 fiscal year, and the Cal Grant A and B maximum award shall be increased by $108 to a maximum $5,358. The Community Services Scholarship Program authorized pursuant to Chapter 1188, Statutes of 1989, shall be funded in the amount of $1,796,000.~~ Notwithstanding any other provision of law, of the ~~17,515~~ *17,400* new grants funded in Schedule (a) for Cal Grant A for the 1990-91 fiscal year, 500 grants shall be awarded to community college students who transfer to a four-year college or university.

3. Notwithstanding any other provisions of law, of the ~~12,730~~ *12,250* new grants funded in Schedule (a) for Cal Grant B for the 1990-91 fiscal year, 250 grants shall be awarded to community college students who transfer to a four-year college or university."

Item 8100-101-196—For local assistance, Office of Criminal Justice Planning. I delete Provision 2.

I am deleting Provision 2 which was added by the Legislature to require the Office of Criminal Justice Planning to distribute funds in the Asset Forfeiture Distribution Fund in accordance with the provisions of Chapter 1492, Statutes of 1988. Provision 2 restates existing statutory law and is therefore unnecessary.

Item 8100-101-425—For local assistance, Office of Criminal Justice Planning. I reduce this item from $15,520,000 to $15,519,000 by reducing:

(a) 50.21.010-Victim/Witness Assistance Program from $10,872,500 to $10,871,500,

and by deleting Provision 2.

I am reducing this item by $1,000 and deleting Provision 2 which requires the Office of Criminal Justice Planning to obtain an independent audit of expenditures of Victim/Witness Assistance funds. The Office of Criminal Justice Planning currently requires grantees of Victim/Witness Assistance grants to obtain an independent audit of grant expenditures to ensure that those funds are used only for purposes expressed in statutes. Although funding was not provided for the costs associated with this provision, I am reducing $1,000 from this item to reflect savings that will be achieved based on vetoing language contained in Provision 2 of this item.

Item 8100-101-890—For local assistance, Office of Criminal Justice Planning. I reduce this item from $50,141,000 to $48,389,000 by reducing:

(f) 50.71.120-Federal Anti-Drug Abuse Program from $37,507,000 to $35,755,000.

I am deleting $1,500,000 for the CrackDown Cocaine Task Force program in the Department of Justice to reflect the availability of $1,500,000 saved from the appropriation in legislation creating this program, Chapter 1453, Statutes of 1989. This action will provide the level of funding for this program I proposed in January. This action to reduce $1,500,000 conforms to the action I have taken to reduce reimbursement authority in Item 0820-001-001.

I am deleting $252,000 for the Drug Enforcement Narcotics Team in the Department of Alcoholic Beverage Control to conform to legislative action which deleted funding for this program by reducing reimbursements in Item 2100-001-001.

Item 8100-121-001—For local assistance, Office of Criminal Justice Planning. I reduce this item from $26,700,000 to $26,470,000 by reducing:

(a) 50.41.020-Suppression of Drug Abuse in Schools Program from $26,700,000 to $26,470,000,

and by deleting Provision 1(a).

I am deleting the $230,000 legislative augmentation that would have provided funding to a school district or county office of education for the purpose of contracting with a nonprofit agency for field testing a substance abuse prevention model using athletes as role models (the Pros for Kids project). Requiring a school district or county office of education to use Proposition 98 funds to contract with a nonprofit agency is not consistent with the intended use or spirit of the proposition and may raise legal concerns regarding such use of Proposition 98 funds

I am deleting Provision 1(a) to conform with this action.

Item 8180-101-001—For local assistance, Payment to Counties for Costs of Homicide Trials. I reduce this item from $3,875,000 to $3,874,000, and delete Provision 3.

I am reducing this item by $1,000 and deleting Provision 3 because it is unnecessary. The program relating to the local-match waiver procedures will sunset January 1, 1991 and I do not anticipate signing any legislation to extend that program. However, even if the program were statutorily extended, it would not be appropriate to mandate the development of waiver standards when there is little likelihood that funds will be available to grant waivers.

Item 8380-001-001—For support of Department of Personnel Administration I reduce this item from $8,519,000 to $8,369,000 by reducing:

(f) 54-Benefits Administration from $3,634,000 to $3,484,000,

and by deleting Provision 1.

I am deleting the $150,000 legislative augmentation to the Labor/Management Child Care Committee. The Committee was established through the collective bargaining process to oversee the allocation of funds to assist in the establishment of child care centers for state employees. Any additional augmentation to the Child Care Committee should more appropriately be addressed through the collective bargaining process.

Item 8550-001-191—For support of the California Horse Racing Board. I reduce this item from $8,268,000 to $8,118,000 by reducing:

(a) 1000000-Personal Services from $2,837,000 to $2,764,000, and

(b) 3000000-Operating Expenses and Equipment from $5,741,000 to $5,664,000,

and by deleting Provision 2.

I am deleting the $73,000 legislative augmentation which would have increased the salaries of executive staff. The Department of Personnel Administration has not approved the proposed salary adjustments as is required under current law.

I am deleting the $77,000 legislative augmentation which would have provided funds for a contract to develop an outreach program to ensure adequate representation of women and minorities on the California Horse Racing Board's staff and among its personal services contractors. The Board has the capability to meet its affirmative action goals within existing resources.

I am deleting Provision 2 to conform to this action.

Item 8570-001-001—For support of Department of Food and Agriculture. I reduce this item from $72,260,000 to $71,260,000 by reducing:

(b) 10-Pesticide Regulatory Program from $32,707,000 to $32,457,000, and

(m) Amount payable from the Agriculture Fund (Item 8570-001-111) from −$21,009,000 to −$20,759,000.

I am correcting the total of the item by $1,000,000 to correspond to the Legislature's intended actions as reflected in this item's schedule.

I am revising this item by $250,000 to conform to the action taken in Item 8570-001-111 on alternative pest management systems research.

Item 8570-001-111—For support of Department of Food and Agriculture I reduce this item from $21,009,000 to $20,759,000.

I am deleting the $250,000 legislative augmentation for research on alternative pest management systems. I have been supportive of efforts to address the needs in this area; however, the Department of Food and Agriculture presently receives funding for similar research projects. In addition, most accounts within the Agriculture Fund are statutorily tied to specific programs. The Legislature has increased expenditures from that account by $200,000 for the Food Safety Program, leaving the account with only a minimum reserve. It is necessary to maintain a prudent reserve in this account for uncertainties which would be jeopardized by funding an additional $250,000 project from the account.

I am revising the schedules in Item 8570-001-001 to conform to this action.

Item 8570-101-001—For local assistance, Department of Food and Agriculture. I delete Provision 2.

I am deleting Provision 2 which was added by the Legislature to require up to $950,000 in state funds appropriated to local fairs to be used in part to employ a veterinarian at all rodeo-related activities on the fairgrounds for the purpose of treating injuries to participating animals. The Department of Food and Agriculture estimates the cost of implementing this new state mandate could be as high as $3 million annually. The identified state funding would not be sufficient to cover these costs. Additionally, the language represents a substantive change in law which can only be included in a single subject bill, not the Budget Act.

Item 8660-001-412—For support of Public Utilities Commission. I revise this item by reducing:

(a) 100000-Personal Services from $55,169,000 to $55,138,000,

(b) 300000-Operating Expenses and Equipment from $21,364,000 to $21,355,000, and

(g) Amount payable from the Public Utilities Commission Utilities Reimbursement Account, General Fund (Item 8660-001-462) from −$44,148,000 to −$44,108,000,

and by deleting Provisions 2 and 4.

I am deleting the $40,000 legislative augmentation to fund a temporary field office in San Diego for the second half of 1990-91 and the related language in Provision 4 which would restrict the availability of that augmentation. This request for funding is not needed since the main function of the San Diego office will end within the first half of 1990-91.

I am deleting Provision 2. Since existing law does not prohibit the Division of Ratepayer Advocates from challenging collective bargaining agreements, this language represents a substantive change of law which can only be included within a single subject bill, not the Budget Act. In addition, the language of this provision would adversely impact the protection afforded to ratepayers by the Public Utilities Commission.

Item 8780-001-001—For support of Commission on California State Government Organization and Economy. I reduce this item from $758,000 to $708,000 by reducing:

(a) 10-Commission on California State Government Organization and Economy from $760,000 to $710,000.

I am reducing the $150,000 legislative augmentation for a study on the impact of growth management on affordable housing to $100,000. The Commission has sufficient resources to provide any additional funding above that level that may be necessary to perform such a study. Therefore, no further augmentation is provided.

Item 8885-101-001—For local assistance, Commission on State Mandates. I am revising this item to make a technical correction to the Budget Bill by reducing:

(4) 02.50.058.981—Lis pendens from $47,000 to $0.

This program ("Lis pendens") is one of the nineteen mandates appropriately identified in Provision 5 of this item as having a $0 appropriation and are therefore made optional or suspended for the 1990-91 fiscal year. This revision merely reflects the action the Legislature intended.

Item 9210-102-001—For local assistance, Local Government Financing. I delete this item and Provisions 1 and 2.

I am deleting the $20,000,000 legislative augmentation relating to subventions to counties.

While it is recognized that some counties may be facing financial difficulties, the state is not in the position to provide additional assistance to local government at this time. This action is necessary to protect the state's ability to maintain a prudent reserve for economic uncertainties. Furthermore, I am not convinced that a $20 million infusion of funds to counties in the manner specified in this item is the best approach to the problem. The problem is due to both structural and managerial causes and requires a well thought-out, long-term solution. My Administration and the Legislature will continue to work cooperatively to identify the extent of the problem and develop a viable solution.

I am deleting Provisions 1 and 2 to conform to this action.

SEC. 3.80—Unallocated reduction to General Fund State Operations.

This section allows the Director of Finance to reduce each General Fund appropriation for support in 1990-91 by an amount not to exceed 3 per cent of that appropriation. This action will result in a reversion to the General Fund of approximately $222 million.

SEC. 9.10—Supplemental Report of the Committee on Conference the Budget Bill. I delete this Control Section.

I am deleting Budget Act language that requires the Legislative Analyst to transmit copies of the Supplemental Report of the Committee on Conference on the Budget Bill to all agencies. This report reflects both the intent and the actions of the Legislature in enacting the Budget Act of 1990. This language is an infringement on the Executive Branch's normal budget development process and implies Gubernatorial concurrence on all statements of legislative intent or requests for studies or other actions.

SEC. 12.31—Education Contingency Expenditures (Proposition 98). I revise this Control Section.

I am revising Control Section 12.31 to delete paragraph (b), which specifies the priorities for spending the Proposition 98 Reserve. The determination of expenditures from the reserve is best made toward the end of the fiscal year when remaining K-12 funding needs can be re-assessed.

> "SEC. 12.31. (Proposition 98). (a) There is hereby appropriated from the General Fund a contingency expenditure of one hundred million dollars ($100,000,000) reserved for subsequent appropriation by the Legislature for deficiencies and other educational purposes in program areas which are funded under the provisions of Proposition 98. Funds appropriated by this section shall not be further appropriated prior to June 15, 1991, unless appropriated by a statute chaptered on or before July 15, 1990. No amount shall be appropriated from this section that would cause the state to exceed the minimum funding level required by Proposition 98, the Classroom Instructional Improvement and Accountability Act.

~~(b) The funds appropriated by this section shall be available in accordance with, and in the order of, the following priorities:~~

~~(1) For purposes of deficiency allocation for kindergarten and grades 1 to 12, inclusive, pursuant to Section 27.00 of this act.~~

~~(1.5) Up to two million dollars ($2,000,000) for the purposes of vocational education incentive funding pursuant to Senate Bill 1917 of the 1989/90 Regular Session. This funding shall only be available if Senate Bill 1917 is chaptered and becomes operative on or before January 1, 1991.~~

~~(2) Up to one hundred ten million dollars ($110,000,000), including amounts appropriated in other items of this act, for purposes of the program to reduce class size pursuant to Senate Bill 666 of the 1989/90 Regular Session.~~

~~(3) Up to thirty eight million one hundred twelve thousand dollars ($38,112,000) for the purpose of funding growth in enrollment in special education for the 1991/92 fiscal year calculated pursuant to Section 56728.6 for the Education Code, in augmentation of the amount appropriated for that growth by Item 6110/161/001 of the Budget Act of 1991.~~

~~(4) In support of other legislative measures, where the funding of those measures would qualify under the definition set forth in subdivision (a) of Section 41202 of the Education Code.~~"

SEC. 12.32—Proposition 98 Funding Guarantee. I am revising this section to reflect the actual level of the Proposition 98 guarantee consistent with the Constitution and court decision.

I am also revising this section to delete subparagraph (a) to conform with my action in Item 6110-196-001.

The amount of funds set apart for purposes of meeting the 1990-91 Proposition 98 guarantee is:

Budget Act Item Appropriations Labeled Proposition 98 including Section 12.31	$16,436,341,000
Appropriation in Item 6110-196-001 for the Child Development Program	215,180,000
Set Asides for Subsequent Appropriation:	
K-12 Class Size Reduction	189,006,000
K-12 Year Round Schools	27,046,000
K-12 Driver Education	21,000,000
K-12 Assessment System	12,000,000
K-12 School Restructuring	6,000,000
CCC Program Improvement, Phase II	8,418,000
Other State Agencies	411,000
Amount for Augmentation of Contingency Reserve	197,870,000
Total	$17,113,272,000

"SEC 12.32. ~~(a) All appropriation items identified as "(Proposition 98)" are for the purposes of meeting the funding guarantee for education programs pursuant to Section 8 of Article XVI of the California Constitution.~~

(b) It is the intent of the Legislature that appropriations which are subject to Article XVI of the California Constitution be designated with the wording "Proposition 98." In the event these appropriations are not so designated, they may be designated as such by the Department of Finance where that designation is consistent with legislative intent.

(c) Pursuant to the Proposition 98 funding requirements established in Chapter 2 (commencing with Section 41200) of Part 24 of the Education Code, the total appropriations for Proposition 98 for fiscal year 1990-91 are seventeen billion ~~two hundred eighty/three~~ *one hundred thirteen* million ~~four~~ *two* hundred ~~five~~ *seventy-two* thousand dollars (~~$17,283,105,000~~ *$17,113,272,000*), or ~~42.395~~ *41.977* percent of total General Fund revenues and transfers subject to the state appropriations limit. General Fund revenues set aside for school districts and other state agencies which provide direct elementary and secondary level educa-

tion, as defined in Section 41302.5 of the Education Code, are fifteen billion ~~five~~ *three* hundred ~~sixty/three~~ *ninety-nine* million ~~fourty/nine~~ *three hundred eighty-five* thousand dollars (~~$15,563,049,000~~ *$15,399,385,000*), or ~~38.175~~ *37.773* percent of total General Fund revenues and transfers subject to the state appropriations limit. General Fund revenues set aside for the California Community Colleges, pursuant to the Proposition 98 funding requirements, are one billion seven hundred ~~twenty~~ *thirteen* million ~~three~~ *eight* hundred ~~fifty/six~~ *eighty-seven* thousand dollars (~~$1,729,256,000~~ *$1,713,887,000*), or ~~4.229~~ *4.204* percent of total General Fund revenues and transfers subject to the state appropriations limit."

SEC. 22.00—Set-aside Appropriation for Future GAIN Expenditures. I am revising Control Section 22.00 by deleting paragraph (f).

This provision would restrict the Executive Branch's authority to manage its programs in ways that may prove fiscally beneficial to the state and would result in increased costs. This action conforms to my action in Item 5180-158-001.

SEC 23.50—Immigration Reform and Control Act (IRCA). I am revising this Control Section by deleting Provision (zd).

I am deleting Provision (zd) which would appropriate up to $16,000,000 for the purposes of Adult Education in the event that additional revenue is provided by the Federal Government. This provision constitutes an item of appropriation which I cannot approve. If additional federal funds are allocated to the state, they should be appropriated to the various programs through a process which provides a balance among the competing priorities.

SEC. 27.50—Consumer Affairs Reporting Requirements. I delete this Control Section.

I am deleting Section 27.50 which requires specified agencies, primarily within the Department of Consumer Affairs, to provide written notification 30 days prior to the expenditure of funds to pursue or defend a lawsuit which is not directly related to consumer protection. It would restrict the ability of affected agencies to seek the timely advice and representation of counsel to defend against lawsuits regarding their administrative and business practices. In addition, the Control Section does not specify what would constitute approval of expenditures on litigation subsequent to the notification. This is a substantive change in law that is an infringement on the separation of powers in that it usurps Executive Branch authority to effectively administer state government

SEC. 33.50—Contingency Funding for the Office of Child Abuse Prevention. I delete this Control Section.

Control Section 33.50 would require the transfer of $10,300,000 from the Restitution Fund to Item 5180-151-001(f) to fund the Office of Child Abuse Prevention in the event of any veto action in Item 5180-151-001(f).

I am taking this action because funding the Child Abuse Prevention Training Act (CAPTA) Program is an inappropriate use of the Restitution Fund. Further, I am concerned that this expenditure would jeopardize the solvency of the Restitution Fund, thereby negatively affecting my commitment to compensate victims of crime.

With the above deletions, revisions and reductions, I hereby approve Senate Bill No. 899.

GEORGE DEUKMEJIAN, Governor

9 I am deleting the $150,000 appropriation contained in Section 5 of Assembly Bill No. 1953.

This bill would appropriate $150,000 to establish six vocational education pilot projects to begin in May 1991 and to continue through April 1994. The purpose of these pilot projects would be to provide alternative courses of study that would meet graduation requirements and produce immediately employable graduates. This bill would also require the State Department of Education to develop vocational model curriculum standards that provide alternative means for pupils to meet high school

graduation requirements and require the State Board of Education to approve the standards by May 1, 1991.

I am opposed to the $150,000 appropriation for the pilot projects in this bill. Existing law authorizes local education agencies to use their vocational education funds to identify a local vocational education curriculum that satisfies, in part, high school graduation requirements. School districts that choose to provide vocational education instruction may use the standards developed by the Department of Education and redirect their vocational education funds to implement a program along the lines of the pilot project

With this deletion, I approve Assembly Bill No 1953.

GEORGE DEUKMEJIAN, Governor

10 I am deleting the appropriation $135,000 contained in Section 4 of Assembly Bill No 481.

This bill would appropriate $135,000 from the Driver Training Penalty Assessment Fund to the City of Richmond Police Athletic League (PAL) for a two-year pilot program directed toward youth crime prevention

The reserve in the Driver Training Penalty Assessment Fund has always accrued to the General Fund Thus, this bill would cause a reduction in the General Fund Reserve.

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 we review the relative merits of this program in comparison to all other funding projects The budget process enables us to weigh all demands on the state's revenues and direct our resources to programs, either new or existing, that have the most merit.

With this deletion, I approve Assembly Bill No 481.

GEORGE DEUKMEJIAN, Governor

11 I am deleting the $145,000 General Fund appropriation contained in Section 2 of Senate Bill No 2660.

This bill would require the Department of Health Services (DHS) to undertake a three-year, three-phase study to establish more valid vital statistics for American Indians in California and to report on its findings.

The DHS currently provides funding to American Indian organizations for identifying problems of access to care and related issues for California's American Indian population in rural areas. These funds can be redirected and used to accomplish the objectives of this bill.

With this deletion, I approve Senate Bill No. 2660.

GEORGE DEUKMEJIAN, Governor

12 I am deleting the $145,000 appropriation contained in Section 2 of Assembly Bill No. 294.

This bill would establish the Physical Education Specialist Program to provide funding to elementary schools to maintain a physical education specialist program School districts would receive one-time grants of $1,000 for each elementary school to purchase physical education equipment. As a condition for receiving the grant, school districts would need to employ at least one credentialed physical education specialist for every two elementary schools.

The Department of Finance estimates that the appropriation contained in this bill would only be sufficient to fund 130 elementary schools. A statewide program is estimated to cost $4 6 million. I believe that a program of such magnitude is more appropriate to be considered 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 294.

GEORGE DEUKMEJIAN, Governor

13 I am deleting the $100,000 appropriation from the Teacher Credentials Fund contained in Section 5 of Senate Bill No. 306.

This bill would eliminate an exemption that authorizes certain credentialed teachers to be employed in administrative positions without an administrative services credential.

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 Senate Bill No 306

GEORGE DEUKMEJIAN, Governor

14 I am deleting the appropriations contained in Sections 4, 7, 9 and 12 totaling $685 9 million contained in Senate Bill No. 2786

This bill would authorize and appropriate funding for new prison facilities, establish minority hiring goals for CSP-Imperial, South, authorizes the Cities of Blythe and Susanville to annex prison territory, adds and renames prisons under the jurisdiction of the Department of Corrections and requires CDC to consider persons from Imperial County for the position of Community Resources Manager.

These appropriations are unnecessary I have recently signed Senate Bill No. 549, which provides the necessary appropriations to fund the new prison facilities contained in this bill.

With these deletions, I approve Senate Bill No. 2786.

GEORGE DEUKMEJIAN, Governor

15 I am deleting the $100,000 appropriation contained in Section 3 of Senate Bill No. 2343.

This bill would allow funds from the Natural Disaster Emergency Shelter Program to be used for the installation of food preparation facilities in addition to the current permissible uses of those funds

The bill appropriately clarifies activities which may be funded under the Natural Disaster Emergency Shelter Program. However, the General Fund appropriation for Santa Cruz County to fund the Motel Voucher Program, is not warranted.

I understand that the voucher program has sufficient resources to operate through October 1990 and it is unknown whether the need for services will continue after that date. In addition, it is possible that some of the other service providers who receive funds under the Natural Disaster Emergency Shelter Program will not be using all of their allocation and will return these funds to the Department At that time, the Community Action Board or the County may apply for additional funds, if appropriate. Further, the Director of Finance is already authorized to transfer monies to the various disaster assistance programs from the General Fund Reserve should it be determined that a need to do so exists. Therefore the appropriation contained in the bill appears unnecessary

With this deletion, I approve Senate Bill No 2343.

GEORGE DEUKMEJIAN, Governor

16 I am deleting the $125,000 appropriation contained in Section 2 of Assembly Bill No. 3679.

This bill would require the Judicial Council to conduct a comprehensive study of court interpreter utilization statistics, and report its findings to the Governor and the Legislature.

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. 3679

GEORGE DEUKMEJIAN, Governor

17 I am deleting the $200,000 appropriation contained in Section 2(a) and the $200,000 appropriation contained in Section 2(b) of Senate Bill No. 2111.

This bill would require the Department of Health Services (DHS) to issue a grant to a qualified county to develop a pilot project environmental education program and to design and develop a collection system to dispose of hazardous waste generated by small quantity generators. The bill would appropriate $400,000 for the grant, $200,000 from the Environmental License Plate Fund (ELPF), and $200,000 from the Hazardous Waste Control Account (HWCA).

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 these deletions, I approve Senate Bill No 2111.

GEORGE DEUKMEJIAN, Governor

18 I am deleting the $80,000 appropriation contained in Section 3 of Senate Bill No. 2063.

This bill would require the Judicial Council to study the establishment of one to three state megatrial facilities and report to the Legislature on its findings and recommendations by December 1, 1992. This bill appropriates $80,000 from the General Fund to implement this bill.

The demands placed on budget resources require all of us to set priorities. With legislation I will be signing and the budget enacted in July 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 Senate Bill No. 2063.

GEORGE DEUKMEJIAN, Governor

19 I am deleting the $75,000 appropriation contained in Section 3 of Senate Bill No. 2733.

This bill would appropriate $75,000 to the Department of Health Services (DHS) from the General Fund and would require the DHS, in consultation with various agencies, to adopt regulations by January 1, 1992, governing the design, installation, and maintenance of playgrounds.

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 Senate Bill No. 2733.

GEORGE DEUKMEJIAN, Governor

20 I am deleting the $50,000 appropriation contained in Section 2 of Senate Bill No. 2792.

This bill would appropriate $50,000 from the General Fund to the Department of Conservation to initiate an earthquake planning scenario to assist the United States Geological Survey in studying the Rodgers Creek Fault and recommending plans to prepare for seismic activity. These funds would be contingent on the availability of $250,000 in matching funds.

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 Senate Bill No. 2792.

GEORGE DEUKMEJIAN, Governor

21 I am deleting the $145,000 appropriation contained in Section 3 of Assembly Bill No. 3072.

This bill would require the Legislative Analyst to conduct a study or contract for a study to be conducted, in the delivery of occupational and physical therapy to individuals with exceptional needs that have been assessed as requiring those services in order to benefit from special education. This bill would appropriate $145,000 from the General Fund to the Legislative Analyst to conduct the study.

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. 3072.

GEORGE DEUKMEJIAN, Governor

22 I am reducing the appropriation contained in Section 4 of Assembly Bill No. 3234 from $149,000 to $74,500.

This bill would appropriate funds to reimburse the Santa Barbara County District Attorney's Office for costs involved in prosecuting a double homicide committed in Santa Barbara County being tried in Israel.

I commend the County of Santa Barbara for pursuing prosecution of this murder case. The demands placed on budget resources, however, require all of us to set priorities. Therefore, I am approving half of this appropriation so that the state and the county will share in the costs of this prosecution.

With this reduction, I approve Assembly Bill No. 3234.

GEORGE DEUKMEJIAN, Governor

23 I am deleting the $50,000 appropriation contained in Section 1 and the $40,000 appropriation contained in Section 2 of Senate Bill No. 2621.

This bill would amend the Budget Act of 1990 by adding Item 3760-002-565, and appropriating $50,000 to the State Coastal Conservancy (SCC) for administrative costs associated with its efforts to facilitate the acquisition of Gray Whale Ranch in Santa Cruz County for park purposes. In addition, this bill would redirect $40,000 to the Department of Parks and Recreation for a grant to the Midpeninsula Regional Open Space District.

The appropriation to the SCC to defray administrative costs associated with the Gray Whale Ranch is unnecessary because the SCC's budget already contains funding for projects of this type. Furthermore, the grant to the Midpeninsula Regional Open Space District for the Skyline Ridge Open Space Preserve Interpretive Center should be subject to the normal budget process so that it could be prioritized against other competing projects on a statewide basis.

With these deletions, I approve Senate Bill No. 2621.

GEORGE DEUKMEJIAN, Governor

24 I am deleting the $37,758 appropriation contained in Section 4 (g) of Senate Bill No. 1768.

This appropriation for the claim of *Schwartzman v. State of California, et al* is unnecessary. This claim will be paid by the Department of Industrial Relations through a process which certifies availability of funds from within its existing budgeted resources.

With this deletion, I approve Senate Bill No. 1768.

GEORGE DEUKMEJIAN, Governor

25 I am deleting the $15 million appropriation contained in Section 2 of Senate Bill No. 1569.

This appropriation may only be used for allocation to counties which are granted waivers to various program matching requirements pursuant to AB 2800. Since I have vetoed AB 2800, the $15 million appropriation in this bill has no application. Therefore, the deletion of the appropriation in Section 2 of this bill corresponds to the action already taken on AB 2800.

This bill, along with other actions taken by my Administration, will result in an $11.1 million relief package for Butte County. I commend the author of SB 1569, along

with Senator Jim Nielsen and Assembly [Member] Chris Chandler for their successful efforts to help bring together a solution which has been adopted by the Butte County Board of Supervisors.

With this deletion, I approve Senate Bill No 1569.

GEORGE DEUKMEJIAN, Governor

26 I am deleting the $4,000,000 appropriation contained in Section 3 of Assembly Bill No. 4087.

This bill would appropriate $4 million in federal Anti-Drug Abuse funds from the Office of Criminal Justice Planning to Los Angeles and at least three other cities to establish a police foot patrol demonstration project.

This appropriation is unnecessary as Provision 3 of Item No. 8100-101-890 of the 1990 Budget Act authorizes funding subject to the procedure set forth if additional federal monies becomes available.

With this deletion, I approve Assembly Bill No. 4087.

GEORGE DEUKMEJIAN, Governor

27 I am deleting the $8,685,000 appropriation contained in Section 2, the $2,366,000 appropriation contained in Section 3, and the $6,319,000 appropriation contained in Section 4 of this bill. I am also deleting the language contained in Section 5 of Senate Bill No. 1446.

This bill would reappropriate $8,418,000 from the General Fund to the State School Fund for the community colleges to be used for program reforms; reappropriate $8,685,000 from monies already committed to the Commission on State Mandates for claims made prior to 1988, as specified; supplement the Budget Act of 1990 by appropriating $1,154,000 from the 1988 Higher Education Capital Outlay Bond Fund for a new cafeteria project at Saddleback Community College.

Specifically, this bill would allocate the $8,685,000 reappropriated as follows: $2,366,000 for funding average daily attendance above the statutory growth limit for the California Community College (CCC) campuses and $6,319,000 to augment CCC deferred maintenance plans. I am vetoing the reappropriation in Section 2 of the bill and vetoing the two appropriations in Sections 3 and 4 of the bill because the $8,685,000 is needed to cover the cost of claims and is not available to be reappropriated. Furthermore, the 1990 Budget Act already appropriated funds for both ADA growth and deferred maintenance.

With these deletions, I approve Senate Bill No. 1446.

GEORGE DEUKMEJIAN, Governor

28 I am deleting the $100,000 appropriation contained in Section 2 of Senate Bill No. 1999.

This bill would require the State Water Resources Control Board to conduct a two-year water treatment pilot project for the New River in Imperial County and would appropriate $100,000 from the General Fund for that purpose. This bill also requires the SWRCB to report to the Legislature on the findings of the pilot project by April 15, 1993.

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 Senate Bill No. 1999.

GEORGE DEUKMEJIAN, Governor

29 I am reducing the appropriation contained in Section 1.5 from $22,990,400 to $10,700,000 in Senate Bill No. 1409.

This bill would allocate reductions to the Medically Indigent Adults program reflected in the 1990 Budget Act among counties and provides supplemental funding for local mental health programs which were reduced in order to balance the 1990 Budget Act. I appreciate the difficulties which counties face in dealing with these reductions, and am particularly sympathetic with those reductions which constitute a large portion of their program funding base. For this reason, I am approving the allocation of reductions to the Medically Indigent Adults program and the allocation of $9 million appropriated by this bill to ensure that no county's mental health resources are reduced by more than 25 percent compared with their 1989–90 allocation. In addition, I am approving the allocation of $1.7 million appropriated by this bill for Riverside County's Children's System of Care. I understand that Riverside County initiated its Children's System of Care during 1989–90 with county funds, and that absent this appropriation, the county's successful program would be unable to continue.

Specifically, the reductions would occur as follows:

Section 1 5(b), I am reducing the $4,064,000 appropriation to $3,386,700.

Section 1.5(c), I delete the $2,700,000 appropriation.

Section 1.5(e), I delete the $8,913,100 General Fund appropriation, including the following:

Section 1.5(e) (1), I delete the $4,358,600 appropriation.

Section 1.5(e) (2), I delete the $4,554,500 appropriation.

Moreover, I am deleting the corresponding allocation language to conform to the appropriation deletions, as follows.

Section 2 ~~(b) One million five hundred thousand dollars ($1,500,000) for the support of the county interagency system for seriously mentally disordered adults pilot projects, pursuant to Part 3 (commencing with Section 5800) of Division 5 of the Welfare and Institutions Code.~~

~~Section 2(c) Two million dollars ($2,000,000) for mental health services for wards and dependents of the court, pursuant to Chapter 1294 of the Statutes of 1989.~~

~~Section 2(c) The remainder for local assistance for Short/Doyle community mental health services pursuant to Part 2 (commencing with Section 5600) of Division 5 of the Welfare and Institutions Code consistent with current law.~~

The $2,700,000 in federal reimbursements that the bill would appropriate are unlikely to be available, and therefore to allocate those funds would be fiscally imprudent. Furthermore, of the $15,290,400 in General Fund appropriated by the bill, $4,040,330 has already been counted toward the 1990–91 reserve, and an additional $5,488,392 reverted to the reserve as of June 30, 1990. This leaves $5,761,678 which could be appropriated or allowed to revert. Combined with the $5,000,000 in Cigarette and Tobacco Surtax Fund monies appropriated by the bill, the total amount available is $10,761,678. Thus, I am approving the appropriation of substantially all of the funding which is available.

The demands placed on budget resources and the refusal of the Legislature to waive a portion of Proposition 98 education funds, resulted in major reductions in virtually all other state programs. 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.

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 these reductions and deletions, I approve Senate Bill No. 1409

GEORGE DEUKMEJIAN, Governor

30 I am deleting the $500,000 appropriation contained in Section 9 of Senate Bill No. 1895

This bill would extend the operation of the Juvenile Sex Offender Treatment Pilot Program in the Office of Criminal Justice Planning (OCJP) to July 1, 1992, and would appropriate $500,000 from the General Fund to OCJP for operation of the program in 1990–91.

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 Senate Bill No. 1895.

GEORGE DEUKMEJIAN, Governor

31 I am deleting the $1,000,000 appropriation contained in Section 3 of Senate Bill No. 2038.

This bill would appropriate $1 million from the Unallocated Account of the Cigarette and Tobacco Products Surtax Fund (Proposition 99) for the purpose of providing tobacco use screening and education and smoking cessation counseling and referrals to participants in the California Special Supplemental Food Program for Women, Infants and Children.

Expenditures of Proposition 99 funds have already been determined through two previous bills, Assembly Bill 75 and Assembly Bill 1154, which contain a June 30, 1991 sunset clause. Sufficient funds may not be available to fund the appropriation contained in this bill. It would be 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 Proposition 99 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 Senate Bill No. 2038.

GEORGE DEUKMEJIAN, Governor

32 I am deleting the $145,000 appropriation contained in Section 3 of Senate Bill No 2147.

This bill would authorize any school that maintains any of grades 9 to 12, inclusive, to apply to the Superintendent of Public Schools (SPI) to establish a pilot project in community service in its schools. The SPI would be required to select 10 schools. This bill would also appropriate $145,000 for these pilots.

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 Senate Bill No. 2147.

GEORGE DEUKMEJIAN, Governor

33 I am reducing the appropriation contained in Section 1 of Assembly Bill No. 2571 from $1,465,878.14 to $1,462,245.14

Specifically, I am reducing Item 5240-001-001 (a) by $3,663 for the claim for Paul D Palmer. While there may be some merit of equity to the issues addressed in this case, these issues could, nonetheless, be applied to a large number of employees in similar circumstances throughout the state government; thus, compensation of this type would more appropriately be handled through collective bargaining As a result, I am vetoing this claim because of the precedent payment of the claim would establish and the potential impact it could have on the state's limited resources.

With this reduction, I approve Assembly Bill No 2571.

GEORGE DEUKMEJIAN, Governor

34 I am deleting the $25,000 General Fund appropriation contained in Section 2 of Assembly Bill No. 3850.

This appropriation would fund the establishment of a computerized data base to assist California Exporters in doing business with developing nations and developed nations. I am not convinced that this project is of sufficient priority to warrant funding at this time, given the critical condition of the General Fund.

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. 3850

GEORGE DEUKMEJIAN, Governor

35 I am deleting the $100,000 appropriation contained in Section 2 of Senate Bill No. 2714

This bill would appropriate $100,000 from the General Fund to the World Trade Commission (WTC) to develop a computerized database of agricultural trade barriers and report to the Legislature on its findings and recommendations by June 30, 1991.

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 Senate Bill No. 2714

GEORGE DEUKMEJIAN, Governor

36 I am deleting the $80,000 appropriation contained in Section 4 of Assembly Bill No. 3768.

This bill would require the Commission on Teacher Credentialing (CTC) to contract for an independent evaluation of the California Basic Education Skills Proficiency Test (CBEST) The evaluation shall include an assessment of the nature and extent of differential passage rates among ethnic minority groups and shall include recommendations on how to eliminate or reduce the discrepancies. This bill would also appropriate $80,000 from the Teacher Credentials Fund (TCF) for the study.

I am concerned with the appropriation contained in the bill The level of funding provided from the TCF in the 1990 Budget Act is the maximum amount that can be expended while ensuring a sufficient TCF reserve. Any additional expenditures, as proposed by this bill, could reduce the reserve balance below a necessary and prudent level.

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. 3768

GEORGE DEUKMEJIAN, Governor

37 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

38 I am deleting the appropriations of $33,500,000 contained in Assembly Bill 41X.

The appropriations contained in this bill have already been provided for by the appropriations contained in Senate Bill 3X

With this deletion, I approved Assembly Bill 41X.

GEORGE DEUKMEJIAN, Governor

39 I am deleting the appropriations of $41,500,000 contained in Assembly Bill 44X. The appropriations contained in this bill have already been provided for by the appropriations contained in Senate Bill 4X.

With this deletion, I approve Assembly Bill 44X.

GEORGE DEUKMEJIAN, Governor

40 I am deleting the appropriation totalling $1,470,850 contained in Senate Bill 10X. The appropriations contained in this bill have already been provided for by the appropriations contained in Assembly Bill 39X.

With this deletion, I approve Assembly Bill 10X.

GEORGE DEUKMEJIAN, Governor

41 I am deleting the $19,400,000 appropriation contained in Senate Bill 11X. The appropriation contained in this bill has already been provided for by the appropriation contained in Assembly Bill 37X.

With this deletion, I approve Assembly Bill 11X

GEORGE DEUKMEJIAN, Governor

42 I am deleting the $1,000,000 appropriation contained in Senate Bill 12X. The appropriation contained in this bill has already been provided for by the appropriation contained in Assembly Bill 40X.

With this deletion, I approve Senate Bill 12X.

GEORGE DEUKMEJIAN, Governor

43 I am deleting the appropriations of $84,800,000 contained in Assembly Bill 38X. The appropriations contained in this bill have already been provided for by the appropriations contained in Senate Bill 36X.

With this deletion, I approve Assembly Bill 38X.

GEORGE DEUKMEJIAN, Governor

44 I am deleting the $30,000,000 appropriation contained in Senate Bill 45X. The appropriation contained in this bill has already been provided for by the appropriations contained in Assembly Bill 45X.

With this deletion, I approve Senate Bill 45X

GEORGE DEUKMEJIAN, Governor

45 I am reducing the appropriation contained in Section 6 of Senate Bill No. 30X from ten million dollars ($10,000,000) to three million dollars ($3,000,000).

This bill would appropriate $10,000,000 for a loan program designed to assist counties and cities that may have suffered a reduction of sales tax revenue due to the Loma Prieta Earthquake of October 17, 1989.

I believe that the reduced appropriation will be adequate to fund loans pursuant to this program. Given our current fiscal situation, this reduction will ensure that the General Fund is not unnecessarily restricted in a time of limited resources.

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.

With this reduction, I approve Senate Bill 30X.

GEORGE DEUKMEJIAN, Governor

CROSS REFERENCE TABLES

BILL TO CHAPTER NUMBER

1990

1989-90 REGULAR SESSION

CROSS REFERENCE TABLES

Bill to Chapter Number

ASSEMBLY BILLS

Assembly Bill	Chapter	Assembly Bill	Chapter	Assembly Bill	Chapter
29	30	530	633	1211	493
43	391	535	609	1235	39
54	83	541	1380	1259	31
55	1359	546	13	1264	28
66	565	548	1581	1265	80
87	1261	563	1173	1279	192
99	1	572	27	1311	1680
107	48	574	117	1312	919
109	1613	582	1174	1314	89
115	995	596	1486	1317	63
116	451	637	1381	1325	1276
119	1379	645	135	1328	34
125	632	662	18	1334	37
129	78	664	41	1365	32
145	920	719	247	1367	1649
149	10	727	229	1375	1177
160	449	731	827	1428	1331
170	1259	752	492	1430	891
185	195	756	1209	1490	1274
189	172	759	79	1498	49
211	106	764	1275	1506	518
236	578	775	1017	1528	182
244	825	776	88	1535	957
250	12	779	1210	1545	64
264	62	809	248	1565	196
266	826	812	118	1577	43
274	452	835	331	1593	828
294	978	878	187	1594	29
312	1568	881	1382	1621	415
322	1400	885	571	1629	1178
325	1145	910	1211	1639	316
365	57	911	367	1641	1614
366	17	925	1175	1644	1179
373	1401	981	1459	1648	44
374	1485	1005	94	1651	1383
376	1690	1026	1176	1663	19
379	330	1033	1647	1666	40
389	675	1055	924	1671	14
421	181	1061	133	1674	20
424	58	1065	7	1675	1384
451	93	1108	1673	1678	829
469	469	1109	453	1683	217
479	953	1111	1091	1696	1117
481	521	1145	1648	1697	188
485	923	1154	51	1706	36
497	9	1162	1092	1716	267
520	116	1166	1582	1720	634
524	576	1172	1327	1721	1402
527	491	1202	171	1724	141
528	468	1209	42	1748	109

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1811	494
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1822	676
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1871	1385
1874	1277
1893	45
1925	1181
1938	100
1953	519
1967	506
1972	11
1980	368
1989	436
2012	1262
2038	715
2040	1403
2046	81
2063	1212
2064	67
2067	1496
2068	445
2076	1239
2084	68
2104	119
2110	1424
2115	96
2124	332
2126	1703
2158	1182
2180	921
2186	101
2193	566
2201	59
2202	958
2217	369
2220	416
2226	1183
2242	925
2245	1278
2249	1616
2259	1018
2282	1386
2284	677
2292	107
2296	1617
2297	69
2306	333
2311	1497
2340	1213
2348	458
2358	70
2368	678
2419	1679
2434	1404
2438	716
2445	90
2459	1569
2474	830
2479	575
2498	71
2504	218
2518	1215
2538	230
2542	1279
2544	1019
2545	954
2550	197
2551	156
2552	831
2553	714
2554	1216
2555	146
2557	108
2561	1362
2562	155
2563	191
2564	1618
2565	1650
2568	1685
2570	194
2571	1405
2572	832
2574	334
2575	495
2578	173
2581	335
2586	959
2592	833
2595	1093
2596	231
2597	1265
2600	354
2601	249
2606	1214
2607	834
2609	996
2610	175
2611	250
2612	679
2615	268
2617	1570
2618	189
2620	178
2622	1094
2625	1066
2627	1167
2629	269
2630	270
2631	271
2632	680
2635	531
2636	507
2638	246
2639	717
2640	251
2641	1266
2645	1664
2649	1256
2651	272
2654	718
2655	835
2657	1280
2658	336
2661	355
2663	1387
2665	252
2666	1111
2667	719
2668	123
2670	635
2674	720
2675	892
2679	437
2681	836
2682	1020
2683	392
2686	893
2687	837
2692	273
2693	838
2694	1668
2695	997
2697	417
2698	1021
2700	610
2702	253
2707	1406
2708	754
2709	274
2713	839
2715	1184
2717	337
2718	960
2720	375
2721	496
2723	447
2728	157
2729	1549
2730	1217
2734	840
2735	1460
2737	1185
2740	147
2743	228
2745	102
2748	148

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2758	183
2760	529
2761	132
2762	198
2764	841
2766	1705
2769	232
2771	1112
2772	124
2773	926
2774	1186
2775	722
2776	757
2777	158
2778	803
2779	357
2781	275
2782	723
2785	1187
2786	276
2788	1461
2789	998
2791	418
2792	338
2794	1267
2796	159
2797	508
2801	277
2803	278
2804	1619
2805	279
2806	497
2811	755
2814	454
2817	1407
2819	419
2822	540
2824	532
2827	681
2830	498
2833	1071
2834	1686
2835	1487
2836	339
2838	160
2839	219
2840	894
2842	1388
2847	420
2848	1620
2849	1425
2850	1218
2852	1687
2853	280
2855	281
2858	233
2860	399
2865	636
2868	533
2870	499
2874	1281
2875	1263
2880	637
2881	376
2883	441
2886	393
2887	340
2889	199
2891	638
2892	413
2895	1621
2897	254
2899	1462
2906	567
2908	842
2909	255
2910	1550
2912	1352
2914	120
2920	999
2923	534
2925	1674
2932	843
2935	394
2937	282
2939	1463
2943	341
2944	421
2947	283
2949	1282
2950	724
2951	1332
2952	1353
2953	400
2954	1498
2959	1499
2963	1389
2964	1146
2965	1219
2966	725
2971	284
2977	1147
2980	1220
2981	549
2983	1622
2984	285
2985	1464
2986	149
2987	726
2989	1488
2990	550
2994	1426
2997	551
2998	220
2999	1354
3000	1060
3003	1221
3004	961
3005	1500
3006	377
3008	1672
3009	286
3010	1688
3012	1000
3014	1583
3015	99
3018	1188
3022	161
3023	758
3024	1222
3027	1283
3028	1408
3031	414
3033	552
3037	844
3039	1022
3040	1501
3042	1390
3043	1502
3045	727
3047	422
3049	1284
3054	845
3057	1623
3060	658
3061	1624
3063	1503
3068	1489
3069	1651
3070	728
3071	729
3072	1203
3073	1023
3074	256
3078	287
3080	442
3084	682
3086	846
3087	1571
3089	659
3092	1024
3096	1391
3097	895
3098	423
3099	1058
3103	730
3105	731
3106	1324
3107	1001
3108	732
3109	329
3111	1465

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3114	1223	3237	1628	3377	358
3116	683	3238	689	3378	852
3117	733	3239	963	3380	1006
3118	1625	3240	235	3381	1095
3120	221	3242	1207	3382	558
3121	1025	3243	1563	3383	296
3122	847	3253	1409	3385	426
3123	1224	3254	379	3390	500
3124	150	3256	1072	3391	236
3125	151	3259	380	3393	1467
3134	684	3260	290	3395	1226
3136	1392	3261	1004	3396	1115
3137	1698	3263	1509	3397	1573
3138	1504	3265	555	3398	692
3139	1505	3267	640	3399	853
3146	142	3269	735	3401	1285
3147	424	3270	343	3403	693
3148	1026	3272	1629	3407	1096
3149	288	3274	850	3408	382
3153	660	3275	291	3410	1515
3154	1427	3276	641	3412	928
3157	342	3277	690	3413	1227
3158	1706	3279	927	3415	854
3165	896	3280	639	3416	694
3167	1506	3282	1225	3417	1148
3168	289	3285	344	3419	1287
3170	1507	3289	568	3420	1029
3172	470	3291	1510	3421	1228
3175	425	3298	402	3423	227
3177	317	3302	190	3424	899
3179	1002	3306	520	3425	1149
3180	152	3307	403	3427	1393
3181	553	3308	404	3428	535
3183	1689	3312	642	3432	162
3184	541	3313	1511	3435	1189
3185	1626	3314	1005	3436	1468
3186	685	3319	1027	3437	383
3188	734	3322	318	3439	1516
3189	686	3324	1691	3444	370
3192	753	3325	292	3448	695
3193	1113	3326	293	3449	929
3194	222	3327	1630	3451	184
3195	1627	3328	1028	3453	756
3196	234	3329	556	3455	501
3200	687	3330	438	3456	964
3207	401	3331	804	3457	696
3209	378	3334	1512	3459	1333
3211	848	3340	691	3460	1030
3213	1003	3351	897	3463	697
3214	554	3352	1513	3466	698
3216	1508	3358	898	3467	398
3219	849	3360	851	3469	736
3220	1114	3367	294	3470	1410
3223	1466	3369	557	3471	371
3226	688	3370	257	3472	237
3228	1572	3371	295	3474	900
3229	962	3373	955	3475	395
3234	1204	3376	381	3476	1116

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3480	1326	3624	1338	3787	746
3483	408	3625	1230	3790	300
3485	223	3627	1190	3791	664
3486	1031	3628	740	3794	1231
3487	855	3630	186	3795	1121
3490	1469	3636	741	3796	1635
3492	1334	3637	1364	3797	1122
3494	930	3640	742	3798	562
3506	185	3641	509	3799	1032
3510	965	3642	1132	3803	747
3512	901	3643	1118	3805	1636
3515	1325	3646	1471	3811	428
3516	699	3649	702	3813	748
3517	1470	3653	1191	3815	1472
3518	700	3654	1396	3816	1473
3521	931	3659	1269	3820	1232
3524	153	3660	663	3824	301
3527	856	3670	1707	3826	1033
3529	1150	3671	298	3832	385
3530	1631	3672	1632	3833	1233
3532	1363	3675	743	3834	302
3536	1133	3676	537	3835	410
3543	1161	3678	427	3839	260
3546	297	3679	1108	3841	1682
3548	1652	3680	1119	3842	703
3550	661	3683	956	3843	1494
3551	1097	3684	163	3844	261
3552	1394	3688	744	3845	1518
3555	932	3689	1517	3849	303
3556	933	3703	1633	3850	1412
3559	1428	3705	1288	3852	386
3560	1574	3706	745	3853	704
3568	536	3708	1584	3856	1365
3570	934	3709	806	3860	665
3573	456	3714	858	3861	1123
3575	319	3719	1192	3868	1637
3578	1395	3723	902	3870	1124
3580	1411	3727	1681	3877	749
3582	766	3729	299	3880	1234
3583	409	3735	384	3881	1125
3586	611	3736	1490	3882	705
3587	1514	3738	759	3890	238
3588	1229	3741	258	3894	1126
3592	701	3744	1663	3896	1286
3593	935	3746	1099	3897	1168
3594	1335	3751	1429	3898	666
3596	737	3761	224	3899	239
3600	1336	3764	1585	3901	1397
3601	1160	3765	1491	3903	1101
3603	1068	3766	1193	3904	429
3609	1057	3768	1478	3905	1194
3610	1098	3772	1100	3910	667
3611	738	3773	1120	3911	706
3612	612	3776	936	3912	860
3613	662	3777	1634	3914	1073
3616	739	3782	859	3915	1056
3620	1337	3784	259	3916	1683
3621	857	3786	405	3918	1638

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3946	707
3949	1666
3950	1127
3954	1519
3956	751
3957	262
3964	570
3968	1128
3970	359
3971	569
3973	411
3974	1493
3977	1474
3984	304
3985	1195
3987	305
3991	1639
3992	1355
3994	1413
3995	1475
3996	1059
3997	1640
4000	752
4004	1102
4008	1196
4010	805
4012	559
4013	1011
4017	412
4018	966
4023	1197
4029	763
4031	861
4032	668
4033	1236
4034	767
4039	764
4042	1551
4044	1495
4046	1151
4048	903
4049	669
4052	1476
4059	1034
4064	1035
4065	1198
4068	1552
4069	967
4070	1432
4071	768
4076	1356
4077	937
4079	765
4082	1289
4083	406
4084	1641
4087	1320
4089	1036
4091	862
4098	1237
4106	1074
4108	306
4109	1430
4111	968
4114	1684
4118	1152
4121	387
4122	320
4124	863
4126	1477
4129	560
4138	1520
4143	1075
4145	864
4148	1007
4151	1553
4152	1554
4156	1357
4157	865
4158	307
4160	866
4161	1642
4162	308
4164	1008
4165	1414
4173	867
4176	1129
4186	1037
4190	868
4191	1199
4195	1643
4206	1038
4209	1678
4212	1290
4215	240
4217	1103
4219	869
4221	870
4222	670
4224	1431
4227	1009
4228	938
4229	982
4230	1422
4236	574
4237	1692
4241	871
4248	904
4249	1644
4251	1200
4254	969
4260	538
4261	1358
4265	563
4267	872
4270	1699
4272	430
4276	1238
4282	1291
4284	1201
4288	1492
4293	1555
4294	1010
4300	1153
4302	1130
4304	1076
4305	1039
4311	769
4315	939
4316	388
4318	708
4319	1653
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65	407	682	97	1251	361
78	922	722	972	1261	143
88	60	732	1255	1266	1202
95	1521	737	1416	1274	1556
108	1578	746	76	1286	1436
122	72	752	91	1288	54
124	126	785	1043	1307	1104
129	1607	786	1078	1308	209
147	6	798	104	1315	2
152	61	819	73	1319	362
153	396	823	1135	1320	523
163	511	830	177	1331	21
173	24	838	983	1333	459
194	1479	842	5	1334	1557
196	1328	855	580	1341	1541
209	1240	856	807	1352	1523
240	1040	865	4	1370	460
241	770	882	772	1372	33
247	771	886	808	1379	110
281	164	899	467	1402	114
284	581	910	1062	1406	92
285	122	917	773	1409	1323
306	979	929	321	1410	775
308	1575	937	35	1412	50
331	38	943	52	1429	776
340	582	945	85	1435	1566
351	47	977	86	1436	1565
378	360	1007	3	1437	1567
379	1064	1008	26	1446	1321
389	1154	1015	1656	1452	1443
400	121	1027	15	1464	77
403	1241	1029	671	1481	984
414	165	1030	53	1510	1360
433	1242	1033	1667	1520	809
435	225	1048	105	1523	1080
464	1061	1063	512	1524	1329
473	25	1079	774	1547	1434
476	1442	1085	166	1561	1136
494	1655	1087	502	1564	55
504	113	1094	579	1569	1258
511	1522	1104	583	1570	1587
519	1481	1107	1079	1573	985
522	1292	1120	1170	1575	777
539	1369	1131	709	1581	115
549	981	1141	539	1584	1482
577	1041	1147	1293	1589	1081
585	971	1150	431	1601	346
606	1415	1174	139	1609	56
611	1540	1176	46	1626	176
615	1370	1186	1069	1635	778
623	1586	1200	1657	1636	1444
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1683	1701	1845	1294	1953	594
1703	1044	1847	783	1957	974
1720	1700	1848	98	1960	818
1731	87	1849	482	1963	1593
1732	810	1854	1372	1964	786
1733	811	1855	140	1967	1134
1734	347	1857	1268	1968	193
1738	84	1860	542	1974	1609
1742	1082	1862	1448	1975	448
1744	461	1865	1590	1976	212
1746	779	1866	590	1977	712
1748	179	1867	202	1979	1246
1750	1371	1869	813	1981	787
1754	167	1871	940	1984	263
1756	1696	1873	170	1985	264
1757	585	1874	1433	1990	1559
1758	75	1876	1012	1992	1675
1759	125	1877	784	1996	673
1760	780	1882	591	1999	1322
1761	586	1885	613	2000	1594
1762	323	1886	226	2004	1366
1763	309	1894	1591	2005	242
1766	201	1895	1344	2006	111
1767	1446	1896	325	2007	1270
1768	1244	1897	348	2009	1046
1769	310	1898	987	2010	1013
1773	210	1899	988	2011	1439
1774	324	1900	592	2012	1440
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1802	1588	1916	514	2025	595
1806	462	1917	785	2026	1659
1807	973	1920	1295	2028	544
1808	588	1921	372	2030	433
1809	463	1922	814	2031	1417
1813	711	1923	1245	2032	545
1814	169	1925	1349	2033	1138
1815	589	1926	593	2035	474
1818	1447	1927	1658	2036	1660
1821	1558	1928	1702	2038	1345
1822	1608	1930	1524	2039	1139
1824	471	1931	1592	2040	1248
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2137	1595	2244	990	2377	608
2138	180	2245	605	2380	646
2139	1670	2250	312	2382	1142
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2142	793	2252	1348	2388	916
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2147	1346	2261	374	2393	918
2149	1140	2262	1602	2397	200
2152	1298	2263	1662	2398	516
2153	600	2265	909	2401	799
2155	373	2266	606	2404	647
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2557	466
2558	882
2559	1304
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2563	884
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2571	435
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2575	1088
2576	486
2577	1546
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2681	950
2685	1264
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